



SCOTT MEREDITH
ON JUDITH EXNER
Page 48

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THE MEDIA MAGAZINE

OCTOBER 1977

MORE

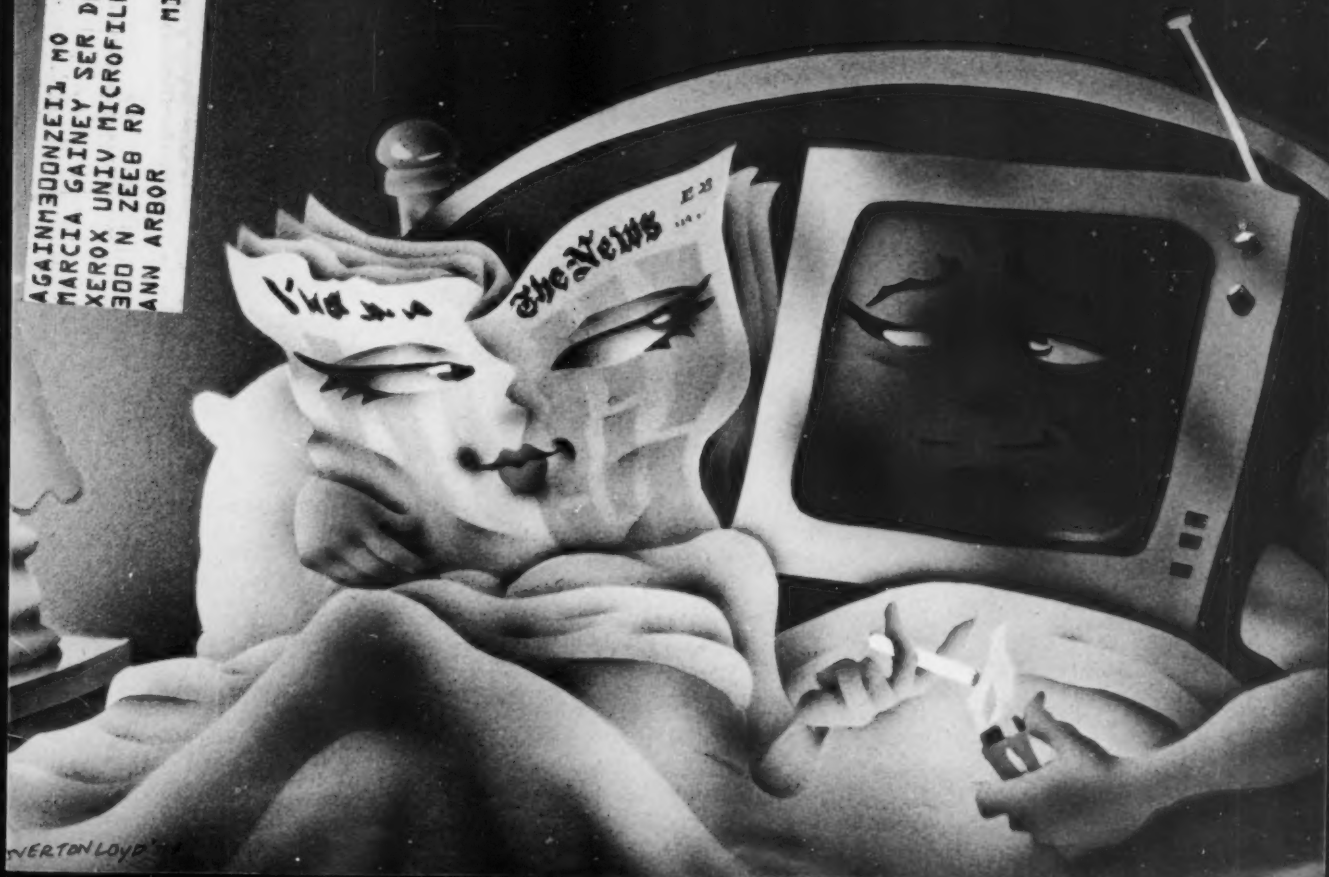
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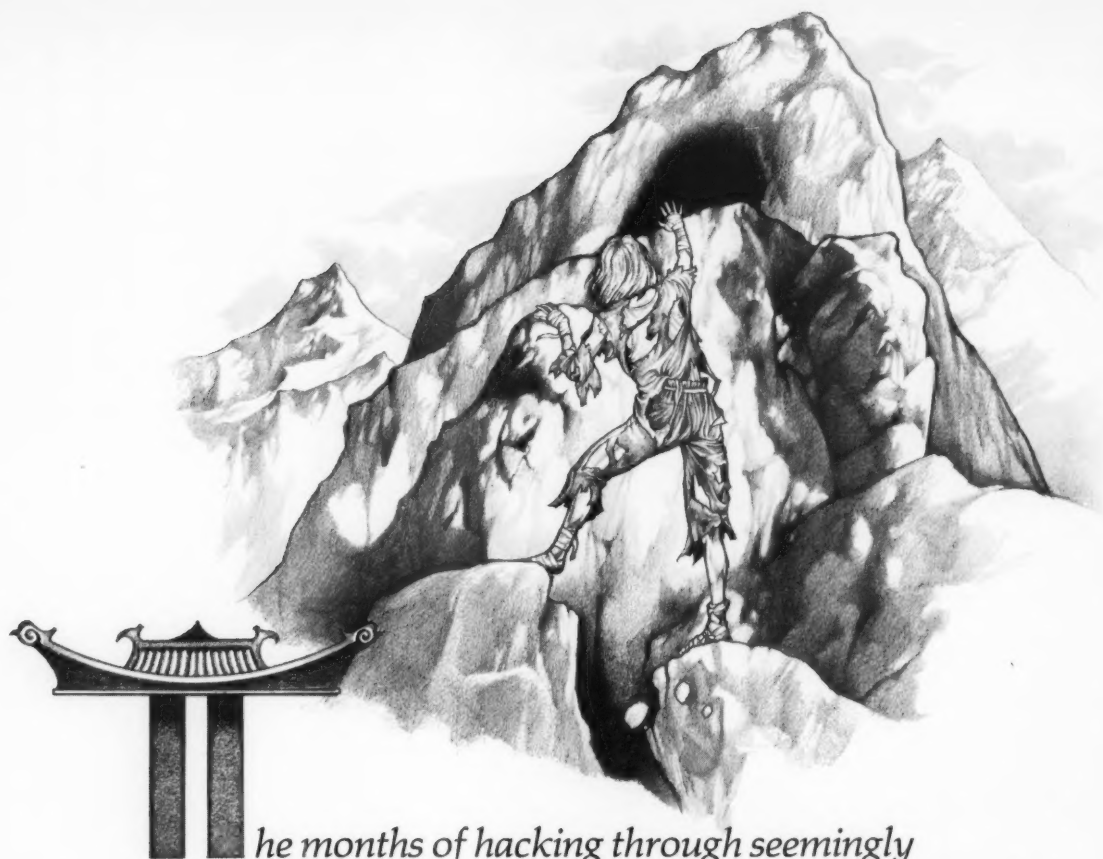
'Variety': Boffo Sheet Wows
The Biz

Official Secrets: Why England
Booted A U.S. Reporter

Sexism Suit Scares 'Times'

MEDIA MONOPOLIES: Busting Up A Cozy Marriage





I he months of hacking through seemingly impenetrable jungles and scaling tortuous ice-covered slopes had taken their toll. With the last vestige of his strength, he dragged himself to the entrance of the mountain cave.

Forcing his torn and pain-wracked body the last few inches, he collapsed, exhausted at the feet of the great guru.

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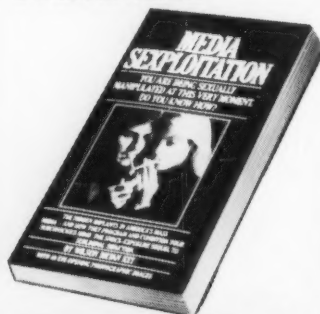
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UNDER NEW MANAGEMENT

From The Publisher



With this issue, MORE acquires a new owner, a new publisher, and a new editor. On August 30, just after the September, 1977, issue of MORE was mailed to subscribers, the magazine changed hands.

The new owner is MORE Magazine, Inc., a wholly owned subsidiary of Congressional Information Service, Inc. CIS, based in Washington, D.C., is a leading publisher of reference and information retrieval services dealing with government publications. As a founder and chairman of CIS, I have assumed—with enthusiasm—the role of publisher of MORE.

I was one of MORE's first subscribers. As a former newsman who has worked in broadcasting as well as magazine and book publishing, and as one who takes the role of journalism seriously, I was delighted when MORE was founded. Here, at last, was the lively, independent, critical journal about the news business that we all felt was badly needed.

From the start, MORE attracted to its pages many of America's best reporters and writers who wrote largely for the satisfaction that comes from participating in a valuable cause. But a magazine cannot live on love alone. And a great magazine requires adequate financing and professional business management.

My job as publisher is to provide MORE with the kind of stability, support, and solid management it has always needed. Given this firm foundation, MORE will become a better magazine than it has ever been before. And every reader knows that MORE at its best has been very good indeed.

We have already taken the first steps. Robert Friedman, an exceptionally able young journalist who joined the magazine six

months ago, has taken over as editor. Richard Pollak, MORE's editor for five years, has rejoined the magazine as an associate editor, as has J. Anthony Lukas, the Pulitzer Prize winning writer who was another co-founder of the magazine. Our third associate editor is David M. Rubin, who has been with MORE for four years and who also directs the graduate and undergraduate journalism programs at New York University.

Our roster of contributing editors is also being revitalized. Already, David Halberstam and Peter Schrag have agreed to return to the pages of MORE, and many other leading reporters and writers—some new to the magazine, some returning after long absence—will be appearing in the months to come.

We plan to strengthen MORE's coverage of the news business in a number of major areas. For instance, we are going to pay much more attention to Washington, where news is the biggest industry next to government. Other news centers that don't happen to lie on the New York-Washington axis will be more fully explored too, as we examine the impact on the media of new technologies, emerging legal problems, and changing economic and social conditions.

MORE will continue to take its role as an independent press critic seriously—always fair, we hope, but never easy to please. And we're going to work hard to make the magazine consistently literate, and occasionally witty.

Obviously, all this won't happen overnight. But if the country's best journalists can't cover the news business in a responsible, informative, and stylish way, then who can? So please keep reading—this issue and the ones to follow.

—James B. Adler

INCORRECT ISSUE NUMBER
SHOULD READ ISSUE 10



THE MEDIA MAGAZINE More

OCTOBER 1977

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MEDIA MONOPOLIES

What happens when the same company owns newspapers and broadcast stations in the same city? Is the relationship too cozy, concentrating too much power in too few hands? Or can the economies of cross-ownership produce better media? MORE takes a look at the issue of cross-media ownership, now before the Supreme Court in a case that could become a landmark in communications history.

12 Media Monopolies: Busting Up A Cozy Marriage

By W.H. Masters

In March, the D.C. Court of Appeals issued a dramatic decision, which, if upheld by the Supreme Court, will have far-

reaching effects on the newspaper and broadcast business. The court ordered all newspapers owning television or radio stations in the same market to divest their broadcast properties unless they could prove that the cross-media ownership was in the public interest. The Supreme Court will decide whether to review the case early this fall.

14 Watertown, N.Y.: Suitable Grounds For Divorce?

By Rinker Buck

John Johnson owns Watertown's only daily newspaper, its only television station, and two local radio stations. He is also one of the most powerful figures in upstate New York politics. The FCC

and the D.C. Court of Appeals want him to divest either the paper or the TV station. Johnson wants to keep both and is fighting the case all the way to the Supreme Court. Rinker Buck examines the effects of a media monopoly on a small city.

21 Cross-Ownership On The Scales

By Peter M. Sandman

Some two dozen studies have been conducted in recent years on the effects of cross-media ownership on content. The FCC and the Court of Appeals decided that the research was close to worthless. But Peter Sandman, in reviewing the studies, finds that a case can be made for divestiture based on the research.

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27 Show Biz Bible: Longest-Running Hit on B'Way

By Howard A. Rodman

In 1905, Sime Silverman took a logo his wife had drawn on a tablecloth at a Harlem nitery, borrowed some money, and founded *Variety*. Today, his grandson, Syd Silverman, publishes America's premier trade newspaper from the same offices on 46th Street that grandfather Sime and father Sid occupied. Howard Rodman takes an inside look at the entertainment industry's most entertaining paper.

34 Women's Suit Nears Showdown At The 'Times'

By Richard Pollak

In 1975, six women at *The New York Times* filed a sex discrimination suit against their bosses. In

February, a court upgraded the case to a class action. Since then, *Times* management has made some amends in its hiring policies, but there are still few women in positions of power.

40 England Boots A U.S. Reporter

By Mark Hosenball

When American journalist Mark Hosenball co-authored an expose of Britain's electronic intelligence network for *Time Out* magazine in London, he had little idea that the article would lead to his deportation. Or that his colleague, Duncan Campbell, would be arrested under England's Official Secrets Act and face up to 14 years in jail. Hosenball, who was a reporter for the *London Evening Standard*, gives a first-hand account of the strange ordeal that led to his deportation in May.

Departments

4 Letters

6 Hellbox

48 Furthermore: Nixing Exner

By Scott Meredith

Judith Exner's controversial account of her romances with John Kennedy and Sam Giancana was turned down by numerous publishers before Grove Press decided to publish the book. Then, Grove's advertising agency refused to place ads for *My Story*, and *The New York Times* killed a review of the book. Exner's literary agent, Scott Meredith, calls it a conspiracy of silence.

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Illustration by Overton Loyd

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LETTERS

CRISIS COP RAPPED

In "Crisis Cop Raps Media" (June 1977) Lieutenant Frank Bolz is quoted:

"In Washington, D.C., during the Muslim siege, a commentator from a talk show called up one of the Muslims and said 'How can you believe the police?' ... In Calgary, Alberta, in March 1976 ... someone from the media called the perpetrators directly and said, 'Don't be stupid. If you give up all of your hostages you'll have nothing to deal with.' He actually advised them not to give up the hostages."

Surely Bolz's imagination is working overtime—otherwise he would have named the "commentator from a talk show" and the "someone from the media." Or, if his memory is fuzzy, MORE should have taken the trouble to identify the "commentator" and the "someone" and what media they represented. I, for one, would like to know who these boobs are, and whether or not they are still employed.

—Clifford H. Ramsdell
South Orange, N.J.

MORE replies: The commentator from the Washington talk show was Patricia Mitchell, hostess of *Panorama*. She admits to having talked by phone with one of the Hanafi Muslims during the siege, but denies saying anything about either the police or the negotiations. Washington, D.C., Deputy Police Commissioner Arthur DiGennaro says that Bolz's account of the phone call is inaccurate, but that the police were upset that Mitchell was tying up the phone line.

The Calgary incident was more difficult to pin down. Ernie Reimer, a supervisor on the Calgary police force, supports Bolz's account, but refused to give out the name of the reporter. The reporter Reimer and Bolz are referring to is probably Steven Tadmán, formerly of CFCN-TV in Calgary, who talked to the robbers while they were holding their

hostages. He says, "I said something like, 'Aren't you afraid the police are going to rush in?' People seemed to get the impression that I told them not to release their hostages."

CRITICAL MUMBO JUMBO

I would expect massive critical response to "Critic Power" (July-August 1977), but perhaps readers are intimidated by the statistics and computer analysis. However, a little careful thought should lead anyone to realize that all this pseudo-scientific mumbo jumbo complete with charts and graphs proves absolutely nothing.

Nowhere in this article is the most significant variable in Broadway shows, *quality*, mentioned.

Common sense tells us that good shows have long runs and bad shows have short runs. We also recognize that the job of the critic is to identify the quality of shows. Furthermore, the first-line Broadway critics usually get their jobs by showing an ability to identify accurately the quality of the shows they review. They give good shows good reviews and bad shows bad reviews. The common-sense conclusion that must be drawn is that there is no causal relationship between reviews and length of a show's run. Rather, both are related to the quality of the show. All that is proven in this seven-page article is that the first-line reviewers are good at their jobs and accurately identify good

shows and bad shows.

"Critic Power" is another one of those articles that uses the trappings of science in an attempt to persuade the readers to accept conclusions that would be rejected with just a few minutes' unclouded thought. The entire approach of this article is wrongheaded because the key factor of quality cannot be measured statistically. The rational non-scientific conclusion must be that good shows have long runs and usually get good reviews, while bad shows have short runs and usually get bad reviews. No valid proof for any other relationship or conclusion has been presented.

—Peter E. Kane
Brockport, N.Y.

The name Leonard Steinbach was omitted from the credits on the article "Critic Power: Who Has It?" (July/August 1977). Mr. Steinbach, a graduate student at NYU, assisted in the content and data analyses for the piece.

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EDITED BY STEVE ROBINSON

DID HUNT PEN 'TIMES' COLUMN?

Ex-CIA Man Says He Wrote 1967 Sulzberger Column

E. Howard Hunt, former CIA officer and paroled Watergate conspirator, says he is the author of a column about Soviet spies that appeared under C.L. Sulzberger's byline in *The New York Times* September 13, 1967. Hunt says the column, which carried the headline "Foreign Affairs: Where the Spies Are," is "75 per cent unchanged" from an article he prepared at the request of then-CIA director Richard Helms.

Hunt's disclosure to MORE follows revelations made by Carl Bernstein, of Watergate fame, in an article that appears in the October 20 issue of *Rolling Stone* magazine. Bernstein's article, which claims that some 400 newsmen secretly cooperated with the CIA, specifically mentions Sulzberger as one of the agency's chief media "assets."

On one occasion, Bernstein writes, "according to several CIA officials, Sulzberger was given a briefing paper by the agency which ran almost verbatim under the columnist's [Sulzberger's] byline in the *Times*." Bernstein quotes the source as saying, "We gave it to Cy as a background piece and Cy gave it to the printers and put his name on it." No additional information about the incident was provided by Bern-

stein, though he reports that Sulzberger denied the story.

Hunt, reached at his home in Miami, insists that he was the real author of the column. He says that the information about Soviet spying in the piece was given to Helms by Howard J. Osborn, the CIA's chief of security, and that Helms passed the material on to Hunt, asking him to write it up as an article.

Recalls Hunt, who quit the CIA

in 1970: "When the director calls me up and says I've got a couple of files here, I want you to do a story, about 800 words, and I'll try it out on Cy Sulzberger, I do it."

According to Hunt, he carried out his assignment and gave the article to Helms. It appeared, virtually unchanged, a few weeks later under Sulzberger's byline, he says. Hunt claims he had no contact with the columnist and assumes his article was passed to Sulzberger by Helms.

Richard Helms, contacted at his home in Washington, refused to discuss the incident. "I didn't start all this business, and I'm not responsible for it," the former CIA director said.

Howard Osborn, now retired from the CIA, says he does not recall the September 13

Sulzberger column or having given any materials to Helms for use in a Sulzberger column. After having the column read to him, however, he said, "It has the ring of truth to it. This would be the type of thing I would report to Helms on."

Osborn, who later served as CIA liaison with the White House plumbers during the Nixon years, did not deny that the information in the Sulzberger column came from him. He added that the details about Soviet espionage contained in the piece were not generally available to the public and could only have come from intelligence sources.

Sulzberger's column details the "wide use of diplomatic, journalistic, and commercial cover" by agents of the KGB and GRU—the Soviet Union's intelligence agencies—and names a dozen individuals, primarily diplomats, as spies. "Experts assume," the column states, "no Soviet diplomatic establishment draws fewer than half its staff from GRU or KGB rosters."

Bernstein's *Rolling Stone* article quotes Sulzberger as saying he "would never get caught near the spook business." The *Times* columnist, who has been a diplomatic correspondent for the paper for more than 30 years, told Bernstein that he personally knew Helms and other CIA directors. "But I never took an assignment from one of those guys," he is reported as saying. "They'd have had to be awfully subtle to have used me."

In a prepared statement released by the *Times* September 12 in response to the Bernstein article, Sulzberger said, "Any allegation that I ever worked in any capacity for the CIA is false."

Reached on the Greek island of Spetsais, where he was vacationing, Sulzberger refused to comment on the September 13, 1967, column. When informed that MORE had located the person who claims to have written the piece, Sulzberger said, "I'm not going to get mixed up in any more of these telephone interviews on spies and the CIA. If you want to know anything about this, write me a letter." He then abruptly hung up the phone.

'WHERE THE SPIES ARE'

The following are excerpts from C. L. Sulzberger's September 13, 1967 *New York Times* column, "Foreign Affairs: Where the Spies Are."

... The highly proficient Soviet espionage apparatus of G. R. U. (military intelligence) and K. G. B. (interior ministry) makes wide use of diplomatic, journalistic, and commercial cover. The G. R. U. officer arrested in the Rinaldi case, Yuri Pavlenko, was an attaché in the Rome embassy. Rinaldi exposed Albert Zakharov, embassy secretary in Athens...

Allied officials are now perplexed by the appearance on the West European scene of a new type of superspy assigned to political action and reporting directly to the Soviet Communist Party's International Section, an echelon above K. G. B. and G. R. U. Four diplomats believed to hold such assignments are Sergei Kudryavtsev, Minister-Counselor in Bonn; Pavel Medvedovsky, Counselor in Rome; and Vladimir Feodorov and Georgi Farafonov, Counselors in Helsinki...

The watch persists in the skies, on the high seas where trawlers and submarines carry complex electronic devices; along endless frontiers from Norway to Kamchatka; and in the susurrous cellars of embassies around the world. The overt cold war has eased—but not its covert counterpart.

CANADIAN MAFIA

CBC Expose Brings Ten Libel Suits

Connections, a report on organized crime north of the border aired by the Canadian Broadcasting Corporation in June, apparently stepped on some prominent toes. The CBC has been hit with ten lawsuits charging libel and slander, including two filed by politicians John Reynolds and Claude Wagner.

Wagner is also suing the *Montreal Gazette* and cartoonist Terry Mosher. Three days after *Connections* was broadcast, a Mosher cartoon appeared depicting Wagner as a Mafia hit man who had just carried out a contract on the CBC.

The documentary, shown in two parts, made headlines in every newspaper in Canada, and prompted more press reaction than all the programming CBC's

Current Affairs Department normally generates in a year. The report shattered the widespread belief that organized crime in that nation was limited to Montreal.

Highly publicized warfare between rival gangs in that city in the last several years, featuring a series of particularly brutal murders, had accustomed Canadians to think of Montreal as a wide-open city for organized crime. *Connections* explored the history of these gangs and the present status of the New York-Montreal "connection," a link which is reportedly vital to the international heroin trade. What was not so familiar to Canadian viewers, however, was evidence of the profound influence of organized crime in such cities as Toronto and Vancouver, long considered immune to mob infiltration.

The documentary pointed out, for example, that Toronto, with its underground laboratories, has now surpassed the West Coast of the U.S. as the methamphetamine capital of the world. It also

asserted that Vancouver, along with Amsterdam, is one of the two key cities outside Asia for importation of heroin from the "Golden Triangle" of Southeast Asia.

Included in the expose was the claim that Reynolds, a member of Parliament from Vancouver, enjoys close ties with leaders of organized crime in that city, and that Wagner was the recipient—through Reynolds—of several hundred dollars of Mafia money for his unsuccessful bid for the leadership of the Progressive Conservative Party a year and a half ago. More serious was the cryptic remark, spoken by the *Connections* narrator, that Wagner's campaign "was watched with great interest by the Mafia."

Wagner's lawyer, Rowel Laishley, claims that his client has been "depicted by innuendo as having links with organized crime, and is depicted as the leadership candidate of the Vancouver Mafia."

Although the CBC has an

average of 100 cases of libel pending against it at any one time, the flurry of suits in the wake of *Connections* is unprecedented. The network has already hired outside counsel to defend the suits in Vancouver, Toronto, and Ottawa, where the plaintiffs include such businesses as the Monarch Vending Company Ltd. and the Kingsland Chinese Restaurant. A convicted felon, Carlo Gallo, now doing time in British Columbia, has hinted through his attorney that he may join the list of those seeking damages from the CBC.

Canadian libel law places the burden of proof on the CBC—the network must prove that its allegations are based on fact. But CBC lawyer Gerry Flaherty is not overly concerned. "We get lots of suits," he says, "and we don't get excited by them, and we don't propose to get excited about these." The network has rarely been successfully prosecuted for libel, and it has almost never had to pay significant damages.

—PHILIP MARCHAND

GIFTED REPORTER

Foreman Quits After Philadelphia Story

What began as a romantic flirtation in Philadelphia for Laura Foreman has ended up costing her her career at *The New York Times*. Formerly the *Philadelphia Inquirer*'s top political reporter, the 34-year-old Foreman moved to the *Times* Washington bureau in January. She quit September 12, a few weeks after her admission that, while at the *Inquirer*, she had had an affair with a source—one of Pennsylvania's most powerful politicians—and had accepted \$10,000 in gifts from him.

The revelation caused shockwaves in Philadelphia. But, at the *Times*, it brought a consistent refusal to comment. The only official statement was one from Washington bureau chief Hedrick Smith, just prior to Foreman's resignation, endorsing her as "a talented journalist" whose work for the *Times* "has conformed to

Philadelphia Inquirer



Laura Foreman and "Buddy" Cianfrani: Philly's odd couple.

Wide World



the highest ethical standards of the profession."

But while she was being defended in D.C., Foreman was being damned in New York. On September 12, she was forced to resign reportedly under pressure from *Times* Executive Editor A.M. Rosenthal and against the advice of her attorney, Robert C. McCandless.

"She maintains she has never violated her journalistic code of ethics," says McCandless, who represented John Dean during Watergate. "But Mr. Rosenthal would not give her time to prove that contention."

Rosenthal, officially, had no comment. But he reportedly told Gene Roberts, executive editor of

the *Inquirer*, "I don't care if my reporters are screwing elephants, as long as they're not assigned to cover the circus."

But Laura Foreman was covering the circus for the *Inquirer*. Her beat, in 1974 and 1975, was Mayor Frank Rizzo's re-election campaign and his drive to take control of the city Democratic machine. And one of the key players in the Rizzo camp was State Senator Henry "Buddy" Cianfrani, 54, chairman of the Senate Appropriations Committee.

Despite his baldness and raspy voice, Cianfrani was known about town as a ladies' man. "Everybody in town knew they were screwing each other. Buddy was openly bragging about it," says an

Inquirer reporter. Other staffers even visited the couple at the loft apartment they shared.

By May, 1975, at least two reporters complained to Roberts that Foreman should be taken off her beat. "Nobody around here would listen to us," says a veteran reporter. But Roberts recalls he did confront Foreman once on the matter, and she denied involvement with Cianfrani. Apparently beguiled by her Southern charm and big-city chutzpah, neither Roberts nor other editors raised the issue again.

That is, not until just recently. On August 9, the *Inquirer* learned that Foreman was being questioned by the FBI in connection with an investigation of Cianfrani for possible income-tax evasion and misuse of state funds. Foreman admitted to the feds that Cianfrani had given her a \$3,000 fur coat, expensive jewelry, and "help" in purchasing a Morgan sports car. And she confirmed her testimony to her former employer.

But the *Inquirer* held the story for almost three weeks before breaking it. Roberts says that time

HELLBOX

was spent "figuring out the time sequence. We had to know exactly at what point in her reporting she began taking the gifts."

Moreover, Roberts and selected reporters spent days poring over Foreman's back clips, re-evaluating her coverage, and trying to recall exactly how much of her relationship with Cianfrani had been rumor and how much had been fact.

"One of the problems with sex is, unless you are perched at the edge of the bed, how do you know for an absolute certainty?" Roberts said. "It's a very difficult thing to prove."

But, if there had been mostly rumors about Foreman in the *Inquirer* newsroom, there were complaints on file from a number of Rizzo's political opponents. The man who ran against him in the May, 1975, primary—State Senator Louis Hill—wrote a letter that the paper printed on its editorial page. Hill particularly took issue with one of Foreman's pieces describing him as "dreary, awkward," and "no P.T. Barnum" when it comes to showmanship.

Hill had no knowledge of the Foreman-Cianfrani relationship. But Rizzo's opponent that November—Republican Tom Foglietta—did. Foglietta says Foreman's coverage of his campaign was "prejudiced" and her attitude "disparaging." He recalls one night of campaigning when Foreman "let us know she didn't like riding around in a car crowded with five people, and Rizzo sent her a chauffeur-driven limousine." And Foglietta's campaign manager, Joe Rocks, who sent a letter of complaint to the *Inquirer*, says Foreman told him "she was infatuated with the Rizzo-type personality."

But the *Inquirer*'s Roberts defends Foreman's reporting as "fair" and not one-sided. "You cannot let politicians—by their attacks—drive reporters off their beats, or they'll wind up editing your newspaper," says Roberts. "And the same must hold true

for other reporters. Every newsroom has its rumors about how women reporters get their stories. My concern was that we not tack a reporter to the wall based on rumor."

But confirmation of Cianfrani's gifts to Foreman catapulted those rumors into a clear conflict of interest for the *Inquirer*. On August 27, after the news had leaked out into the city room, Roberts decided to break the story, rushing into print with a hastily written front-page account.

The news was even bigger to the competition. The *Philadelphia Bulletin* in its Sunday edition the next day devoted one-third of its front-page to the story, giving it priority over a mass murder, which had to be pushed inside, and bumping altogether the story which was the *Inquirer*'s lead that day about a \$120-million bailout for the city's public schools.

As for Roberts' reaction to the *Bulletin* coverage, he told a reporter, "I guess you can't win a pissing match with a skunk." But several *Inquirer* reporters were eager to talk to the competition. "Nobody around here listened to us when we tried to tell the truth about Foreman," says one veteran who gave details to the *Bulletin*. "When Laura Foreman finally decides to talk, she'll prove how royally the editors fucked this one up."

Even with Foreman's resignation from the *Times*, there is more to come. To purge itself of allegations that editors covered up the Foreman affair, the *Inquirer* put Pulitzer Prize winners Donald Barlett and Jim Steel on the story, with promises that the content of their stories would not be edited. And the *Bulletin* has pulled together an investigative team to look into the charges of corruption that surround Cianfrani.

Foreman reportedly has come away from the episode with a hefty cash settlement from the *Times*. Her lawyer says she's suffering from "severe emotional stress." She was unavailable for comment.

"When she is able," McCandless says, "she will decide whether to fight to get her job back."

—LORRIE YAPCZENSKI

CHECK IT OUT

HOT SOURCE: Jody Powell gets failing grade in first dirty tricks attempt. Ploy to smear Sen. Charles Percy by planting allegations of misconduct seen as "pretty stupid," by *Chicago Sun-Times*'s Loye Miller, and prompts Knight papers' Jim McCartney to remark, "Powell's an amateur. He's not getting paid \$57,500 to be an idiot." Miller, whose paper broke story of White House plant, says *Sun-Times* would have played story as dirty trick even if Percy info turned out to be true. McCartney got call from another unnamed White House official, "But I knew right away who it

Wide World



Jody: No Dick Tuck

was. I don't think the White House—or Jody Powell—understands that things have changed in this town as a result of Watergate."

JOINT VENTURE: Larry Flynt, *Hustler* publisher, trading on mag's now-familiar logo, plans to market *Hustler* cigarette rolling papers. Is also considering *Hustler* beer.... Former *Nashville Tennessean* reporter Jacques Srouji, bounced from paper for FBI ties, taking lumps from defunct *National Observer*. Aurora, publisher of *Critical Mass*, Srouji book on atomic power, admits Srouji used excerpts from 1975 Bill Lanouette *Observer* article without mentioning source. Aurora spokesman calls it "oversight on the part of one of our editors." Future printings of book will contain correction.

ENERGETIC RESPONSE: Texaco and other oil empires fuming over Energy Action TV ads on WTOP Washington. FCC ordered equal time for organization to respond to Texaco commercials which dealt with controversial divestiture issue. One spot shows oil industry exec, disguised as Arab, mugging citizen with gasoline pump nozzle. Texaco flack Walter Doyle says ads are "irresponsible, and address themselves to issues other than divestiture." Jim Flug, director of Energy Action, retorts, "Our commercials have to respond robustly to the oil industry ads because we have only 30 spots. They had two years."

MOVING ON: Byron Dobell, who left *Esquire* September 12, decided "It was not right for my career to go from number one to number two" under new owner Clay Felker. Says it was a friendly departure, and "Felker's takeover is the best thing that could happen to *Esquire* from a business standpoint." Dobell, whose contract will be paid off, will take his time finding another job. Says, "There's no need to be hasty."... *New Times* art director Steve Phillips leaving mag after four years to start own business. Will also be doing freelance work. Managing Editor David Hollander also leaving, reportedly over editorial direction bi-weekly is taking.... Former *Penthouse* editor Art Cooper hired 16 months ago to combine erotica with good journalists, cites "panic psychosis" at mag as one reason for his July departure. Says Publisher Bob Guccione, not satisfied with licking *Playboy* in circulation war, is taking steps to head off *Hustler* challenge deemphasizing writing, bringing in more skin. Guccione ordered removal of cover line for Richard Pollak profile of *Times*'s Abe Rosenthal in September issue. James Goode, who has been editor of *Penthouse* once before, replaces Cooper.

SPORTING GOODS: House Communications Subcommittee to hold hearings on networks' relationship with pro sports. **Philip Hochberg**, committee counsel, to focus on CBS "Winner-take-all" tennis matches (which weren't), NBC Olympics deal, ABC boxing scandal. "We want to know if these three things are typical or aberrations," says Hochberg, concerned that networks may "no longer be observers, but active participants." Cites networks owning boxers' contracts and says, "There has been the suggestion that in a close bout you could have a network decision." ... Investigator **Michael Armstrong's** report on ABC-Don King boxing fiasco absolves all ABC personnel. Armstrong, responding to criticism that ABC-sponsored inquiry let networks off too easy says, "I am not going to ruin my reputation on a one-shot client." Says he grilled **Roone Arledge** for ten hours.

HONEST ABE: In uncharacteristic attack by politician on newspaper, Mayor **Abe Beame** calls *New York Post* "corrupted into a sensationalist rag by an Australian carpetbagger [publisher **Rupert Murdoch**]." Beame says, "It makes *Hustler* magazine look like the *Harvard Law Review*." ... *Conservative Digest's* September issue features "How to Fight Bias in the News." Suggestions include: "Use words and phrases currently popular with the media. If you want to talk about IRS intrusion into a local business, talk about threats to 'privacy,' not to free enterprise."

GARDEN PARTY: New Jersey Press Association, 120-year-old publishers' club, cancels dinner subsidized by New Jersey Highway Authority. Public agency kicked in \$12,000 to raise \$5,000 for NJPA scholarship fund. Jersey reporters and some highway officials, irked at the loss of \$7,000 that could have gone to students, cried foul and embarrassed publishers backed off. ... **Robert Sam Anson** piece in September *New Jersey Monthly*, "All the News Money Can Buy," accuses *Newark Star-Ledger* reporters and editors of payoffs, conflicts of interest, and living it up on junkets. Advance copies of article circulated in *Ledger* newsroom, and drew interesting responses. Editor **Mort Pye** called article, "exaggerated, lies, and a complete distortion." But some *Ledger* reporters thought Anson left out lots of juicy details. "I was disappointed that the piece was not new enough or gutsy enough," said one. Pye knocked Anson for citing junket to Puerto Rico taken by managing editor **Henry Stasiuk** fifteen years ago, saying standards were different then and it would not be tolerated today. One person who had something to add to Anson article was Stasiuk's wife, who called after article appeared. Recently separated from Stasiuk, she told *New Jersey* she didn't recall Puerto Rico trip, but she'd be happy to provide details of other junkets.

THAT'S THE WAY IT IS: CBS News irked at Soviets for pirating network's news film. Source says Russians chop off CBS correspondents' openers and closers, and substitute their own audio. CBS not likely to press issue, probably because network occasionally picks up Soviet film. Says one CBS foreign editor, who thinks Russians get the better deal: "If you look at their news programs, all you see are tractors produced in Omsk and weight-lifting champions, and who the hell wants that?"

DEADLINE REVENGE

Reporter's IRE Book Sparks Controversy

As if being constantly short of funds isn't enough of a headache for Investigative Reporters and Editors, *Detroit News* reporter **Mike Wendland's** book on the investigation into the Don Bolles murder has ignited a heated controversy within the organization. Titled *The Arizona Project: How a Team of Investigative Reporters Got Revenge on Deadline*, Wendland's book is due out in November from Sheed, Andrews & McMeel. The behind-the-scenes look at the reporters and their pursuit of organized crime in Arizona has provoked the wrath of project director **Bob Greene of Newsday** and most IRE board members.

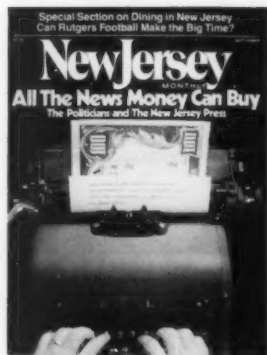
"There was a written agreement that no one would do anything until the investigation was over," says Greene. "Then we decided that no one would profit, period. Everyone agreed, including Wendland. We didn't want charges that we were making money off Bolles." Wendland disagrees. "There was no such agreement at any time," he says. "Some people who ran the group got Hollywooditis. IRE is now dedicated to perpetuating itself, and they want to control what's written about them."

There was indeed a written prohibition against any reporter using information from the project before the series was

published, and IRE lawyer **Ed DeLaney** says he's got a copy with Wendland's signature on it. However, the agreement is vague on the subject of what individuals could do after the investigation was completed. "It is understood that all such records and files will be the sole property of IRE," the document states. "IRE alone will have the right to use, sell, or rent these files for any purpose consistent with its articles of incorporation. This includes any use for written publication, broadcast, or film production in any form." Wendland, who was one of the original members of the project, wrote his book without the use of the IRE files.

The situation is further confused by an "authorized" account of the Arizona investigation to be written by former *Dayton Daily News* reporter **Jim Dygert**, who took over the assignment when freelancer **Ben Bagdikian** dropped out. Dygert, who was not a member of the Arizona team, is currently negotiating with Prentice-Hall, and will be allowed access to IRE files in preparing his account. But, says attorney and board member **DeLaney**, "The organization has no veto power over anything Dygert writes."

Dygert's book stems from IRE's hiring of literary agent **Sterling Lord** one year ago—an arrangement that divided the board and led to the resignation of **Jack Taylor** of the *Daily Oklahoman*, who objected to the "commercialization of the venture." Lord negotiated a \$30,000 advance from Prentice-Hall for the book. (continued)



Reporter **Mike Wendland**: Did he break his promise?

HELLBOX

That dispute, however, has been overshadowed by the one about whether Wendland has violated a trust in utilizing his work on the project for personal profit. "Wendland's claiming that there was no agreement is bullshit," says Ed Rooney of the *Chicago Daily News*. "There was a written agreement and a gentlemen's understanding." Tom Van Howe, a board member from WKBW-TV in Buffalo, says, "There was no legal agreement, but there was a moral agreement. It [Wendland's book] pisses me off; it's a cheap trick."

But other IRE members are not quite as sure. While most recall signing "a piece of paper," as several referred to it, only a handful can recall what it said. "There was an agreement that prevented any of us from revealing information before the series was published," says Harry Jones of the *Kansas City Star*. "Wendland hasn't violated any trust as far as I'm concerned."

The *Milwaukee Journal's* Dave Offer is more outspoken in his support of Wendland. "I'm defending Mike," he says. "I think he can write an excellent book. If IRE had arranged for an outside person to be there from the start, fine. But people can't get the flavor of the thing from someone who wasn't present. Mike was there from the beginning, and the real story isn't in the files anyway."

Former board president Ron Koziol of the *Chicago Tribune* was also caught up in the controversy over Wendland's book. According to Greene, several reporters informed him in March that Koziol and Wendland had been in touch with agents about doing a book. In an angry confrontation with the board, Koziol refused to say whether or not he was planning to write the story of the Arizona Project, and, the next day, Koziol notified the board of his resignation. But his colleagues had beaten him to the punch by unanimously voting for his dismissal.

Koziol now says, "I had no plans for a book. As president of the organization, I got dozens of

queries from publishers. If I'd wanted to do a book, I could have just stuck a few of them in my pocket." Then why was Koziol so evasive before the board? "I didn't like those guys putting me up against the wall."

Koziol's name appeared alongside Wendland's on the title page of an early bound manuscript. "I can't even tell you why my byline is there," says Koziol. "I just shared some of my notes and reminiscences with Mike." But Wendland admits that, early on in the project, he and Koziol had indeed discussed the possibility of a book, and that an early draft he submitted did, in fact, have Koziol's name on it.

Wendland's book may be more of a financial than an ethical blow to IRE. Part of the arrangement with Dygert included money to be paid to IRE to cover libel insurance and other expenses. Wendland's book has placed the "official" account in jeopardy. Prentice-Hall's Dennis Fawcett concedes, "We are renegotiating and the original advance of \$30,000 will be scaled down. A rival account of an event scares publishers." Dygert, who heads a company called Media Ventures, says that if Prentice-Hall bows out he may publish the book himself.

Although he criticizes Greene in his book—especially for his sharing of IRE files with legislators and law enforcement agencies—Wendland says, "I'm a believer in what we did, and I'm a believer in Bob Greene. But they're hyper-worried about bad press. IRE has become like a government bureaucracy."

In July, Pocket Books, which allocated \$35,000 to promote Kovic's book, scheduled a nine-city tour for the author. But with two cities still left on the itinerary, the company withdrew its financial support for the tour and redirected the balance of funds toward the book's advertising budget. Says Mary Hall, director of publicity for Pocket Books, "Ron was taken off the tour because he was harming the book."

Born On the Fourth of July, with 200,000 paperback copies in print, is Kovic's account of his experiences in Vietnam, and his subsequent ordeal in Veterans' hospitals. More importantly, it is the story of his own awakening to the insanity of America's Vietnam policy. Kovic is paralyzed from the chest down as a result of a wound suffered during his second tour of duty in Vietnam.

Publicist Hall says that Kovic was openly expressing his dissatisfaction with the book's cover, urging people to steal the book, and making statements beyond the scope of the book. Pat Honig, Hall's assistant, adds, "Who knew he was going to use the tour for a platform for his own political views? You can't expect a publishing house to take on the whole responsibility for an individual author's beliefs. Ron started talking antagonistically, away from the point of the book."

Peter Mayer, publisher of Pocket Books, claims he and Hall made the decision to curtail Kovic's trip. "He wanted his picture on the cover," says Mayer. "Every author thinks he can sell his book better than the publisher. In this case, we decided we could sell more copies by putting our money into advertising."

During the tour, Kovic was outspoken in his criticism of Gulf & Western—Pocket Books' parent company—for profiting from the Vietnam War. "As the tour went on I began to speak my mind," Kovic says. "I talked about things that people who go into supermarkets to buy the book don't know about." One theme Kovic returned to frequently was corporate "insensitivity to artists and authors." He was particularly unhappy with the cover art

EGG ON THEIR FACES?



Bert Lance, with his sagging jowls and bloodhound eyes, presents a rare opportunity for caricaturists. In mid-September, as Carter's embattled budget director appeared headed for a great fall, what better image was there than . . . Well, obviously, at *Time* and *Newsweek*, it was a case of great minds thinking alike.

Walter Bernard, *Time's* art director, who designed the September 19 cover, says, "If either magazine knew what the other was doing this wouldn't happen. The only thing that's dismaying is that neither of us could do any better." *Newsweek's* director of publicity David Fluhrer agrees that, obviously, neither magazine wants to look like the other. "It was a real surprise," he says. But Fluhrer couldn't resist a jab at the opposition: "We think our September 19 cover is better."

POCKET WARFARE

Kovic Promo Cut Short As Vet Raps Publisher

What happens when an author on a promotional tour begins to criticize his publisher? That's the question facing Ron Kovic, author of *Born On the Fourth of July*, and his paperback publisher, Pocket Books—and they don't agree on the answer.

selected for his book, which shows a Marine firing a bazooka.

Kovic claims that the cover is deceptive, that "it is a blatant attempt to misconstrue the message of *Born On the Fourth of July*. I didn't agonize over the book for six months to have them put a romanticized version of Sgt. Rock on the cover. Pocket Books is not concerned with the meaning of the book, only how well it will sell." Kovic says he learned of the cover through an accidental meeting with a Pocket Book representative in a Los Angeles bookstore, and that he merely resigned himself to Mayer's explanation that the book had already gone to press and it was too late to alter the design.

"The thing that Pocket Books cares about is its books," says Hall. "We are not concerned with the corporate image." But Kovic is a bit more cynical: "People are going to protect their interests. I could underline that twice."

—JEFF NICHOLAS

AD BLACKOUT

Staten Island Weekly Stung By Racism

When UN Ambassador Andrew Young called the borough of Queens racist, he may have been singling out the wrong community. That, at least, is the opinion of several staff members of the *Weekly Staten Island Register* (circulation 20,000).

Like many small weeklies, the *Register* depends on special advertising promotions to survive. Twice-yearly wedding promotions have been among the *Register's* most profitable inserts. This summer, however, when the *Register* decided to use a black couple for the promotion for the first time, many advertisers decided to bail out.

"Quite a few of my regulars dropped out when they learned we were using a black couple," says advertising salesman Ron Sorensen. "One of the advertisers who owns a mirror and panel shop said that he didn't want to be associated with that kind of customer."

Stephen Zaffarano



Ethan and Dorine Knight: Black isn't beautiful to Staten Island merchants.

Sorensen encountered similar attitudes from other merchants, including those in the fashion, furniture, and catering fields who had previously bought quarter-page ads in the supplement.

"We had always run a full-page bridal ad from an exclusive fashion shop," says Sorensen. "But the owner decided that the couple didn't fit her image. Over all, we lost a quarter of the ads

that we normally sell."

"I was driving Dorine and Ethan [the black couple] to each merchant for the pictures," recalls photographer Steve Zaffarano. "When I heard that advertisers were pulling out, I was scared that somebody would stop us at the door." No one did, but some businesses yanked their ads at the last minute after the photo sessions.

Register co-publisher Diane Scialfani was not surprised by the drop-outs. "We selected Dorine for the wedding feature because she is a very attractive girl," says the publisher. "I had my doubts that it would sell, but we decided to go with them anyway."

"We all saw Dorine and Ethan as just another couple," says staff writer Richard Regis. At least a half-dozen white advertisers didn't see it that way.

—BRIAN HAUGH

Encounter austria

I played Chopsticks on Beethoven's piano

It was in the house at Mölkerbastei 8 in Vienna, where the composer lived for many years. It's a museum now dedicated to his memory. I looked at the piano where Beethoven worked and I began to play it in my mind. I chose the only work I ever really learned! Being in the master's home, in this glorious city of music, gave me a feeling I can't describe in words. And my rendition of Chopsticks doesn't say it either.

Beethoven lived in Vienna, and Beethoven still lives here along with Strauss, Haydn, Mozart, Schubert and so many others. My mother was right. I should have practiced harder...

Visit Beethoven when you...
Encounter Austria to know the heart of Europe.



I would like to Encounter Austria.

Name _____
Address _____
City _____
State _____ Zip _____

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MEDIA MONOPOLIES: BUSTING UP A COZY MARRIAGE

BY W. H. MASTERS

Early this fall, the Supreme Court will indicate to many of the nation's broadcast companies just how expensive and traumatic the next ten years of operation are likely to be. The Court must decide if it will review or let stand an explosive decision by the U.S. Court of Appeals—a decision which threatens to restructure the pattern of broadcast ownership in the United States.

What has come to be called the NCCB case (the National Citizens Committee for Broadcasting, an activist group headed by former FCC Commissioner Nicholas Johnson) concerns the right of a company to own both a newspaper and a broadcast station in the same market. In the past, such ownership has been legal, and even encouraged. Newspapers are the licensees of some of the largest and most profitable stations in the country. Such cross-media ownership within a given market has even been permitted when the market supports only one newspaper and one broadcast station, thus giving the owner great control over the commercial and political speech in that community.

If the Supreme Court decides that such cross-ownerships are not in the public interest, some 64 newspapers would have to give up their television stations, and more than 200 would have to divest their radio stations. The list of affected papers includes the New York *Daily News* (WPIX), *The Atlanta Journal and Constitution* (WSB), the *San Francisco Chronicle* (KRON), *The Washington Post* (WTOP), and the *Chicago Tribune* (WGN). As much as \$1 billion worth of broadcast properties would be affected, and nearly every major market in the country would be touched in some way.

Appeals Court Judge David Bazelon, speaking for a unanimous three-judge panel, set the stage in March by reversing an earlier FCC ruling which permitted existing cross-ownership unless it could be shown that such combinations were not in the public interest. In supporting the complaint brought by NCCB, Bazelon wrote, "The commission has sought to limit divestiture to cases where the evidence discloses that cross-ownership clearly harms the public interest . . . We believe that precisely the opposite presumption is compelled, and that divestiture is required except in those cases where the evidence clearly discloses that cross-ownership is in the public interest."

The decision was quickly appealed to the Supreme Court by, among others, the FCC, the American Newspaper Publishers Association, and the National Association of Broadcasters. The NCCB has filed a counter-petition supporting the Appeals Court ruling and opposing review.

Bazelon's decision was particularly embarrassing to the FCC, the agency charged with establishing ownership patterns through its power of licensing. Commission rules do forbid ownership of more than seven television stations, seven AM stations, and seven FM stations (so that no chain can be larger than 21 units); and no licensee may own more than one TV station, one AM station, and one FM station in the same market. But the commission had to be pressured by citizens groups into considering whether local cross-media combina-

tions were flouting the public interest by decreasing diversity.

In 1975, after five years of study and debate, the FCC revealed how timid it could be in this sensitive area. In its Second Report and Order on cross-ownership, the commission prohibited cross-ownership in only 16 markets—all of them tiny—where a newspaper owned either the only TV station or the only radio station. In addition, *future* local combinations were barred. The ruling had the beauty of ordering some action, but leaving all the large broadcasters alone.

It is this ruling that was challenged by the NCCB and that Bazelon set aside. The commission had been unwilling to order widespread divestiture without evidence, on a case-by-case basis, that the owners were abusing their undeniable power; it maintained that continuity of ownership and economic stability were values worth preserving. Bazelon noted that the FCC was not in the business of promoting and preserving private economic interests, and that the only standard of importance—the public interest, convenience, and necessity—required maximum diversity in ownership. Weary of the FCC's dawdling, Bazelon ordered the divestitures.

If the Supreme Court does not hear the case, the FCC will have to draft a Third Report and Order consistent with Bazelon's decision. Some procedure will have to be devised to separate those monopolies which are acting in the public interest from those which are not. Undoubtedly specific orders to divest will be appealed, and, even if divestiture is upheld, owners will be given five years to sell either their stations or their newspapers at a fair-market value.

Rather than sell their stations, owners might elect to swap them for stations in other markets. (This has already happened with stations in Washington, D.C., and Oklahoma City.) Or, a compromise might be reached in which newspaper owners would be permitted to hold a minority interest in the broadcast stations in their market. (NCCB is arguing for a maximum 30 per cent minority interest. This figure was first suggested by Commissioner Glen O. Robinson in his dissenting opinion to the FCC Second Report and Order.)

If the Supreme Court does decide to hear the case, anything might happen. The court could sustain Bazelon's decision, modify it, or throw it out entirely on the grounds that the Appeals Court encroached on the rightful preserve of the FCC.

Throughout this legal controversy, little hard evidence has been brought to bear on the decisions of the FCC or the Court of Appeals. Both bodies cavalierly dismissed research into the effects of cross-media ownership, and neither bothered to look at the actual content of the media in cities affected by their orders. The two articles which follow attempt to provide that perspective. Rinker Buck examines cross-ownership in Watertown, New York (one of the cities on the FCC's divestiture list), to assess the effects of a monopoly on a small town. And Peter M. Sandman evaluates the research on the differences in content between monopoly and competitive media. Both conclude that a case *can* be made for divestiture. ■

STATE OF THE UNION

The following is a list of all 64 newspaper-television cross-ownerships in the country, all of which face possible divestiture. (This is fewer in number than the 79 such combinations in existence in 1975 when the FCC issued its

Second Report and Order on cross-ownership.) Not included are over 200 newspaper-radio combinations in more than 100 cities and towns across the country.

| STATE | MARKET | COMPANY | NEWSPAPER | TV STATION |
|----------------------|---------------------|-------------------------------------|--|------------|
| Alabama | Anniston | Anniston Star | Anniston Star | WHMA |
| | Birmingham | Newhouse Newspapers | Birmingham News | WAPI |
| California | Fresno | McClatchy Newspapers | Fresno Bee | KMJ |
| | Sacramento-Stockton | McClatchy Newspapers | Sacramento Bee | KOVR |
| | San Francisco | Chronicle Publishing Co. | San Francisco Chronicle | KRON |
| District of Columbia | Washington, D.C. | Washington Star Communications Inc. | Washington Star | WMAL |
| | Washington D.C. | The Washington Post Co. | Washington Post | WTOP |
| Florida | Tampa | Media General Inc. | The Tampa Tribune, The Tampa Times | WFLA |
| Georgia | Albany | Gray Communications Systems Inc. | The Albany Herald | WALB |
| | Atlanta | Cox Enterprises | Atlanta Journal and Constitution | WSB |
| Idaho | Idaho Falls | The Post Co. | Idaho Falls Post Register | KIFI |
| Illinois | Chicago | Field Enterprises Inc. | Chicago Sun-Times, Daily News | WFLD |
| | Chicago Quincy | Tribune Co. | Chicago Tribune | WGN |
| | | Quincy Herald Whig | Quincy Herald-Whig | WGEM |
| Iowa | Cedar Rapids | The Gazette Co. | Cedar Rapids Gazette | KCRG |
| | Mason City | Lee Enterprises Inc. | Globe-Gazette | KGLO |
| | Des Moines | Cowles Communications Inc. | Des Moines Register and Tribune | KCCI |
| Kansas | Pittsburgh | Joplin Globe Publishing Co. | Joplin Globe | KOAM |
| | Topeka | Stauffer Publications Inc. | Topeka State Journal and Capital | WIBW |
| Kentucky | Louisville | WHAS Inc. | Louisville Courier-Journal and Times | WHAS |
| | Paducah | Paducah Newspapers Inc. | Paducah Sun-Democrat | WPSD |
| Louisiana | Baton Rouge | Manship Stations | Baton Rouge Advocate and State Times | WBRZ |
| | Shreveport | Journal Publishing Co. | Shreveport Journal | KSLS |
| Maine | Portland | Guy Gannett Publishing Co. | Portland Express and Portland Press Herald | WGAN |
| Maryland | Baltimore | The Hearst Corp. | Baltimore News-American | WBAL |
| | Baltimore | The A.S. Abell Co. | Baltimore Sun | WMAR |
| Michigan | Detroit | Evening News Association | Detroit News | WWJ |
| Mississippi | Columbus | Columbus Commercial Dispatch | Columbus Commercial Dispatch | WCBI |
| | Jackson | Mississippi Publishers Corp. | Jackson Clarion-Ledger, Daily News | WJTV |
| | Meridian | Meridian Star | Meridian Star | WTOK |
| Missouri | St. Louis | Pulitzer Publishing Co. | St. Louis Post-Dispatch | KSD |
| | St. Louis | Newhouse Newspapers | St. Louis Globe-Democrat | KTVI |
| Nebraska | Hastings | Seaton Group | Hastings Tribune | KHAS |
| Nevada | Las Vegas | Donrey Media Group | Las Vegas Review-Journal | KORK |
| New York | New York | Tribune Co. | Daily News | WPIX |
| | Rochester | Gannett Co. | Rochester Democrat and Chronicle and Times-Union | WHEC |
| | Syracuse | Newhouse Newspapers | Syracuse Post-Standard and Herald-Journal | WSYR |
| | Watertown | The Brockway Co. | Watertown Daily Times | WWNY |

| STATE | MARKET | COMPANY | NEWSPAPER | TV STATION |
|----------------|-----------------|----------------------------------|--|------------|
| North Carolina | Hickory | Hickory Publishing | Hickory Record | WHKY |
| North Dakota | Fargo | Forum Publishing Co. | The Fargo Forum | WDAY |
| Ohio | Akron | Knight-Ridder Newspapers Inc. | Akron Beacon-Journal | WAJR |
| | Cincinnati | E.W. Scripps | Cincinnati Post | WCPO |
| | Cleveland | The Dispatch Printing Co. | Cleveland Press | WEWS |
| | Columbus | Cox Enterprises | Columbus Dispatch | WBNS |
| | Dayton | The Vindicator | Dayton News and Journal-Herald | WHIO |
| | Youngstown | The Vindicator Printing Co. | Youngstown Vindicator | WFMI |
| Oregon | Portland | Newhouse Newspapers | Portland Oregonian | KOIN |
| Pennsylvania | Erie | Erie Morning News and Times | Erie Morning News | WSEE |
| | Harrisburg | Newhouse Newspapers | Harrisburg Patriot and News | WTPA |
| | Johnstown | Johnstown Tribune Publishing Co. | Johnstown Tribune-Democrat | WJAC |
| | Lancaster | Steinman Stations | Lancaster Intelligencer Journal and New Era | WGAL |
| South Carolina | Greenville | Multimedia Inc. | Greenville News and Piedmont | WFBC |
| Tennessee | Memphis | E.W. Scripps Co. | Commercial Appeal and Memphis Press-Scimitar | WMC |
| Texas | Dallas | The Times Mirror Co. | The Dallas Times Herald | KDFW |
| | Dallas | Belo Broadcasting Corp. | Dallas Morning News | WFAA |
| | Houston | Channel Two Broadcasting Co. | Houston Post | KPRC |
| | Temple | Channel 6 Inc. | Temple Telegram | KCEN |
| | Texarkana | WEHCO Media Inc. | Texarkana Gazette-News | KTAL |
| Utah | Salt Lake City | Bonneville International Corp. | Deseret News | KSL |
| | Odgen-Salt Lake | The Standard Corp. | Odgen Standard-Examiner | KUTV |
| Virginia | Norfolk | Landmark Communications Inc. | Norfolk Ledger-Star and Virginia Pilot | WTAR |
| Washington | Spokane | Spokane Chronicle | Spokane Chronicle | KHQ |
| West Virginia | Bluefield | Daily Telegraph Printing Co. | Bluefield Daily Telegraph | WHIS |
| Wisconsin | Milwaukee | The Journal Co. | Milwaukee Journal and Sentinel | WTMJ |



● Cities with more than one cross-ownership.

WATERTOWN, N.Y.: SUITABLE GROUNDS FOR DIVORCE?

The Johnson Family Fights To Keep Its Northcountry Monopoly

TV station stunted by newspaper tie.

BY RINKER BUCK

One weekend during his last term as governor of New York, Nelson Rockefeller, a man with a legendary ability to cajole the high and mighty into submission to his wishes, put through an important call to one of the state's most influential publishers. It was near the end of March, when the state's budget is traditionally voted on by the legislature, and the Governor was worried about one assemblyman who had not yet indicated how he was going to vote on the budget. Rockefeller was sure that his friend, the publisher, could help bring the reluctant legislator into line.

But Rockefeller did not call the offices of *The New York Times*, the *New York Post*, the *Daily News*, or even the Rochester headquarters of the Gannett chain, whose 15 New York papers make it equally as influential in state affairs. Instead, he tried to reach John B. Johnson, publisher of the 40,000-circulation *Watertown Daily Times*, a man who, over the past 30 years, has exercised power as meticulously as he has protected his obscurity. Rockefeller knew Johnson not only as the publisher of the only paper of any size north of the New York State Thruway. He had dealt with Johnson in the publisher's many other capacities—as chairman of the State Dormitory Authority; as civilian advisor to the U.S. Army for Northern New York; and as a holder of nearly 50 other titles that make him probably the most influential man in New York's vast Northcountry. Johnson, with his extensive civic and political connections, and with his ownership of Watertown's only daily newspaper, its only television station, and two local radio stations, has pretty much blanketed the sprawling region that stretches east from the Adirondacks to Lake Ontario, and north to the Canadian border.

Rockefeller finally reached Johnson in Exeter, New Hampshire, where he was spending the weekend. Johnson still remembers the call.

"Oh yes, the Governor reached me, and he began by asking, 'What about Taylor [Republican State Assemblyman Donald L. Taylor of Watertown]? What are we going to do about Taylor?' So I told him, 'Don't worry about Taylor, my intelligence [his reporters, probably, but Johnson won't say] tells me that he's all right on the budget—he'll be with you on Monday.' The Governor seemed pleased, so I used the opportunity to turn around and ask him for something—an important bill or some other such thing we needed for the Northcountry."

Johnson wouldn't say what that was either. It could have been a bill appropriating more support for the Northcountry's dairy farmers,

favorable legislation for the Thousand Islands Park, on whose commission his wife sits, or a favorable provision for the St. Lawrence Seaway. Whatever it was, the 61-year-old Johnson, a short, crusty fellow who chews on an endless series of briar pipes as he sits in his large library-office in the *Times* building overlooking Watertown, had the contented look of a man who usually gets what he wants.

Monopoly

The story is a typical one for both Rockefeller and Johnson, and helps explain why in 1975 the Federal Communications Commission named Watertown as one of seven cities around the country where a single publisher's concentration of newspaper and television ownership no longer serves the public interest. (The other six cities where the FCC ordered divestiture are: Anniston, Alabama; Albany, Georgia; Mason City, Iowa; Meridian, Mississippi; Texarkana, Texas; and Bluefield, West Virginia.)

Johnson, as the sole owner of the Brockway Co., which operates the *Times*, WWNY-AM and WWNY-TV in Watertown, and WMSA radio in nearby Massena, was given five years by the FCC to divest either the paper or the television station. He has vowed to fight the commission's ruling and a U.S. Court of Appeals decision in March which ordered divestiture of other newspaper-television combinations around the country.

When the FCC was created in 1931, Congress gave it the power to grant licenses to broadcasting stations that would be renewable on the basis of "public interest, convenience, and necessity." Diversity of news and opinion became an important standard for licensing and regulating stations. In television, where concentration was common from the start, the FCC imposed limitations in 1953 on the number of stations one individual could control. But cross-ownership—initially encouraged by the FCC to stimulate the founding of new stations—often became the rule and not the exception in smaller metropolitan areas. In these locations, local newspaper publishers were frequently the only individuals with enough capital and interest to start a station.

In 1970, the FCC turned its attention to the growing pattern of cross-ownership. In Docket 18110, the commission proposed rules that stated it would no longer "be desirable that these two organs . . . be under the same control in any community." But when the commission finally issued its final divestiture order in 1975, it selected only seven out of the then 79 television-newspaper combinations. The FCC decided to apply its ban on cross-ownership only to those locations where the television station was the only one broadcasting a signal that covered the entire city.

Rinker Buck is a freelance writer in New York City. He last wrote for MORE about his experiences on the obituary desk of the Berkshire Eagle.



Upon appeals brought by, among others, Brockway, the American Newspaper Publishers Association, the National Association of Broadcasters, and *The Washington Post*, the Circuit Court of Appeals in Washington upheld the FCC's authority to ban cross-ownership, but substantially broadened its order. In its March decision, the court directed the FCC to order divestiture in all cases of cross-ownership, except in those locations where it clearly favored the public interest. The court found, in other words, that over 25 years of joint publishing and broadcasting provided no tacit protection for continued cross-ownership.

The Supreme Court will decide this fall whether to review the case and, if it does, a decision will probably be handed down next spring. Unless the high court overturns the Appeals Court ruling, or Brockway can prove that its monopoly serves the public interest, divestiture would appear to be unavoidable for the company.

John Southmayd, a partner in the Washington law firm of Fisher, Wayland, Southmayd and Cooper, and an experienced communications lawyer, has represented Brockway for over 35 years and is handling the current FCC suit. According to Southmayd, Brockway, one of the smallest, if not the smallest, combination that is fighting the decision, has dramatically positioned itself as "the small guy against big government." It is not unusual, he says, for the FCC to promulgate rulings which exempt the huge communications monopolies and place the brunt of regulatory decisions on smaller, strictly local operations. To insiders familiar with the case and hostile to the FCC decision, Brockway appears to be the classic victim.

"Johnson is fighting this decision for two reasons," Southmayd says. "First, he feels that the FCC is wrong on the basic issue—the assumption that cross-ownership is in all instances bad. Second, he feels that the FCC picked out a handful of small fishes, discriminating against them while letting the big guys go

free." Southmayd describes Johnson's economic considerations this way, "Watertown is his only interest. He's not interested in swapping for another station. He's a local boy, whose sole interest is his home base, and not a wheeler-dealer. He just wants to protect what he's built up over the years."

Watertown poses an excellent opportunity for examining whether the FCC's standards are a fair response to conditions in an individual monopoly location. While many of the weak points in Brockway's operation did not originate solely because of its monopoly, the company's dominant position in Watertown gave it little motive for improving.

Brockway's *Watertown Daily Times* is, in most respects, superior to other monopoly newspapers in similar locations, while its television station is markedly inferior. A lot of blame can be laid to the fact that the Johnsons, who are conscientious newsmen, devote virtually all of their energy to the *Times*, allowing the television station to run itself under separate management. It is clear that financial restraints at the television station make it impossible for WWNY to do the job it might do in covering news within its broadcast range.

Brockway is a privately held company, and the Johnsons refuse to divulge information about its finances or profitability. But WWNY Broadcast Manager Tony Malara does say that the station's annual news budget does not allow him to make improvements as rapidly as he would like to. One of two conclusions is inescapable: either WWNY does not produce income sufficient to support a quality news operation, or, as is the pattern in many cross-owned operations, its profits are diverted to the newspaper.

Many of the faults of both the *Times* and WWNY are no worse than those found in monopoly news operations in other backwater locations—sloppy and lifeless news writing, an absence of interesting local features, deference to local politicians, and overcoverage of non-events such as routine commission hearings and council meetings. More sig-

nificant failings are the direct product of Brockway's uncontested control of news operations in Watertown. At the *Times*, the open political influence of the Johnsons often causes readers to doubt the editorial credibility of the paper.

Such problems seem all but inevitable when one examines the Johnsons' rise to prominence in Watertown. It began with Johnson's father Harold, continued after the paper was handed over to his son after Harold's death in 1949, and is likely to pass on, in turn, to John's son, John Jr., now the paper's voluble managing editor.

The First Johnson

Harold Johnson was the grandson of a wool carter who, before the turn of the century, became the St. Lawrence River correspondent for the *Times* while still a student at Gouverneur High School. He joined the *Times* as a full-time reporter, earning \$14 a week in 1904, when the daily had a circulation of 6,000. Johnson rose fast, becoming city editor in 1907 and managing editor in 1918. Under his management, the paper prospered, climbing in circulation to almost 20,000 by 1920. He had a reputation as an active, keen editor who successfully led the *Times* during a circulation battle with a rival daily, the *Watertown Standard*, which the *Times* bought out in 1929 and promptly folded.

Johnson was well liked by the Brockway family, the owners of the paper, who allowed him, as early as 1911, to begin buying up stock in their company. For years, he had seemed to everyone to be the family's heir apparent, and the long process of preparing him to take over the paper ended in 1931, when he finally acquired complete control. Harold ran a tight, but pleasant family operation, making sure that the business side was well tended while devoting most of his time to editorial matters.

It would have been hard for the publisher of a paper in Watertown not to have developed impeccable Republican connections—or for his paper to fail to reflect them—and Johnson certainly did not

resist. As his stature in the North-country increased, so did his stature in the party. Alf Landon and Thomas Dewey were frequent houseguests of the Johnsons at their summer home in Henderson Harbor, "Underbluff," a residence erected by John Foster Dulles' maternal grandparents where Dulles spent much of his boyhood. Johnson was a delegate to the Republican National Convention in 1936 and remained active in party affairs until his death.

Both John Sr. and John Jr. speak frankly of the political philosophy passed on from Harold. "When newspapers were established, their purpose was to present an editorial position," John Sr. says. Junior, almost finishing his father's thought, adds, "We're still a Republican paper—liberal to moderate Republicans. We backed Dewey all the way. Yeah, last year we backed Moynihan because Buckley was such a disaster for the Party. Before that we backed Goodell."

While John Sr. is not as visibly active as his father was, he uses his influence quietly, but effectively, through his membership on state and local boards and his friendship with politicians around the state. The tradition of political involvement of Brockway executives has not died, however, and occasionally causes problems for the paper. Tony Malara, who heads Brockway's broadcasting operations, is vice chairman of the Jefferson County Republican Party; WWNY engineer Robert Bouchard is chairman of the County Democratic Committee; and WWNY radio director Tom Bruce is helping to organize a county Conservative Party.

But perhaps more important than the political foundations he laid down, Harold also founded a regional publishing dynasty of the old school, a spirit that is very much alive in his direct descendants to this day. A man who rose from humble origins by hard work, Harold believed that instead of ostentatiously flaunting his wealth and power, his prestige had to be turned back into the community in the form of civic responsibility. While monopolies

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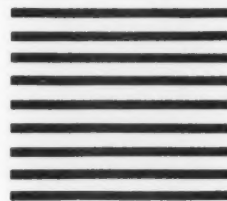
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concentrate power in one man, their benefits, for appearance's sake, should be shared by all. During the Depression, when St. Lawrence and Jefferson County dairy farmers were finding it impossible to make ends meet because of the low wholesale price of milk, Johnson waged an active and successful effort in the pages of the *Times* to establish price supports for milk produced by New York farmers. During his campaign, the *Times* organized—and duly covered—marches of dairy farmers to Albany.

Upstate Power

The Johnsons were early promoters of the New York State Dormitory Authority, the agency that has done most of the building for the state university system, the largest in the world. Harold Johnson was the authority's first chairman, and John Sr. continues as the authority's chairman today. The Johnsons and the *Times* also strongly supported the building of the St. Lawrence Seaway, which, after it was completed in 1959, contributed to a recreational and economic boom for the area. Because they believe in public ownership of electrical power, the Johnsons also backed the creation of the Power Authority of the State of New York and were instrumental in that authority's winning permission to develop nuclear power.

Johnson Sr. has followed his father's example, not only as an active civic leader, but at the paper as well. An imperturbable man who drives to work in a battered jeep and forbids his secretary to wear pants-suits to the office, he is conservative by temperament if moderate—even at times progressive—in editorial outlook. When he is not traveling or attending an authority or board meeting, he can usually be found in his office in the *Times* building, where he writes most of the paper's editorials and fires off a salvo of memos to his staff.

Brockway employees are well paid by local standards and for the most part work happily in the cozy if eccentric atmosphere maintained by the Johnsons. Starting salaries for *Times* reporters, copy

editors, and photographers with no experience begin at \$8,600, climbing up to \$14,000 after seven years. Many on the news staff earn above these minimums, and contract provisions stipulate increases over the next three years. Reporter Bert Gault, head of the news association at the *Times*, says that by the end of the current contract in 1980, at least

400,000 words a day of national and international news, and much of its local and state coverage, in computer discs designed by the paper itself. While much of the paper is edited on video display terminals, the *Times* still has most of its computer-generated copy printed out in sheet form, a practice which most designers of the electronic newsroom would say



All in the family: John Johnson Sr. (left), Watertown media magnate, and John Jr., heir apparent.

half of the newsroom staff will be earning over \$15,000. Salaries for WYNY's five newsmen range from the \$11,000 base paid to the junior staffer who has been with the station for two years to a \$15,000 base for more experienced newscasters. These base salaries are supplemented by talent fees for on-air time, which add from \$2,000 to \$3,000 a year to base salaries.

For a paper of its size and resources, the *Times* does an excellent job in most areas of news coverage. The paper has a full-time news staff of 40, and 25 local correspondents and stringers situated throughout the Northcountry. The *Times* uses five major wire services (AP, UPI, *Chicago Daily News*, *Los Angeles Times*, *Washington Post* and *The New York Times*). It is the only paper of its size in New York to have a full-time correspondent in the state capitol in Albany and probably one of the few of its size in the country to have a full-time Washington correspondent.

Beginning in 1968, the *Times* purchased electronic typesetting and editing equipment, developing the capacity to store about

frustrates the effort of buying the expensive equipment. Still, this effort, which was supervised by John Jr., so impressed IBM that the company ended up buying the *Times*'s programs for sale to other papers and featured John Jr. in one of its television ads.

The senior Johnson's tireless reading of papers from the *Boston Globe* to *Newsday* often makes for a surprising variety of opinion on the editorial page. Johnson supplements his own editorials with opinion and comment from several national papers. He regularly runs conservative to middle-of-the-road columnists George Will, Marquis Childs, Louis Harris, Charles Yost, and Lester Kinsolving. Less regularly, Johnson selects what he thinks are the best columns from liberal commentators like Tom Wicker or Anthony Lewis.

In its news columns, the *Times* generally lives up to the Johnsons' claims of always going beyond handouts. Long before the trend became popular with editors nationwide, the Johnsons were encouraging their reporters to submit in-depth analyses of state and local government

policies on major topics. The *Times* has had thorough, ongoing coverage of such issues as environmental safeguards against oil spills on the St. Lawrence and the financing and safety of nuclear power plants. It often meticulously examines school budgets to see if tax increases are justified. In January, when over 70 inches of snow fell on Watertown in four days, paralyzing the entire Northcountry, the *Times* ran a feature-packed, 16-page blizzard special that hardly missed an important angle. This spring, the *Times* freed a reporter for a week and sent him to Ohio to investigate a high-tension power line similar to one proposed for the Northcountry. In July, a good follow-up story examined how the state of New York reached its decision on compensation for farmers whose land the power line will cross.

This thorough news coverage, however, is partly offset by the paper's antiquated layout, dull features, and poor photo reproductions. The most obvious problem the *Times* has is that little sensational news is produced in a city of 30,000 that has been slowly losing population and is surrounded by vast, sparsely inhabited farmland. In addition, the *Times*, as the only paper most of its readers see, finds it hard to move away from its obligation to announce Grange Hall meetings or church suppers, or to cover routine traffic accidents or elementary school activities.

"This is the basic problem I have with the FCC decision," Johnson Sr. says. "I have always argued that in a community like this, if there is an automobile accident, everyone is going to cover it, and probably in much the same way. There can't be a difference of information or opinion on stories like this, which happen to dominate an awful lot of our space. This argument of the FCC as relates to diversity, well, there isn't much diversity to begin with."

Competition from papers within the *Times* circulation area has never been enough to prod the Johnsons towards innovation. The morning *Syracuse Post-Standard*, a Newhouse paper, sells

about 5,700 papers in the *Times* area, while the afternoon *Herald-Journal*, also published by Newhouse, sells less than 2,000. The relative success of the Newhouse Sunday paper—the *Syracuse Herald-American* (almost 20,000 in the *Times* circulation area)—might have encouraged another publisher in Johnson's position to exploit the recent bonanza in local Sunday papers. But Johnson Jr. scoffs at the idea. "A Sunday sucks away all your daily advertisers—and for what? Nobody reads a Sunday paper around here. I play golf on Sunday."

The belief that they already have the ideal formula for Watertown clearly emerges from interviews with both Johnsons. Their monopoly has given them a fixed and paternalistic idea of who their readers are and what they want. The market is theirs, and they know it best. "Our readers know us, and we know them, and what they want," Senior says. They eschew reader surveys and gruffly brush aside readers' complaints about both the kind and quality of news they present.

If reporters and editors have a single, common complaint about working for the *Times*, it is the character of John Jr. He can be a deliberately abrasive man who, punctuating almost every sentence with an obscenity, has his hands in almost every aspect of the daily operation of the paper. The chore of enforcing his father's resistance to changes in layout and general appearance has fallen to John Jr. Major story ideas and assignments are usually cleared with the Johnsons, and they also edit a good deal of the final copy that makes it into the paper. This influence is felt throughout the paper and has made for a top tier of editors who are often submissive and lack initiative. Reporters who develop comfortable direct relationships with the Johnsons, however, are usually given their head and told to spare no resources when working on a story.

An investigation by *Times* reporters Bert Gault and Kathie Barnes into misconduct in the Jefferson County sheriff's department led to Sheriff Irving T.

Angel's resignation last spring. *Times* Albany correspondent Paul Browne often devotes whole weeks to developing statewide stories that have no local bearing within the paper's circulation area. This spring, he singlehandedly wrote a series on the letting of vending contracts that led to several state investigations of New York's troubled state lottery.

WWNY: Comic Entertainment

If the *Times* is often given high marks for its news quality, very few people in Watertown believe the same can be said for Brockway's broadcasting operation. The Johnsons' management of WWNY substantiates the belief, popular since television began, that devoted newspapermen are among the last people in the world qualified to run a broadcasting operation.

The *Times* first entered broadcasting in 1941, when WWNY and WMSA were awarded licenses by the FCC. Initially, the Johnsons viewed the two AM stations as an adjunct to their print operation, giving the radio station space in the *Times* building and using its wartime special broadcasts as a replacement for *Times* extras on important battles or elections. John Sr. nostalgically remembers the days before radio, when a reporter would sit behind a megaphone in the news room on election night, shouting down election results to a crowd on Arcade Street. On such occasions, Johnson himself would take up the microphone to read special bulletins or comment on the news, and he conscientiously monitored the progress of the station in its earlier years. But, after television came to Watertown in 1954, and WWNY-TV rapidly expanded, broadcasting and print gradually became separate entities. Johnson backed off from involvement in both radio and television, and has turned over most of the daily functions there to Manager of Broadcasting Tony Malara.

Still, both Johnsons refer to the station with great pride, and believe it provides some of the best local news in the country.

Senior says, "I have to say I have traveled quite a bit—it's not a hometownish kind of thing at all. I have seen local broadcasts everywhere, and we have a better news operation than I have seen in other markets." One wonders where such markets could exist. When WWNY-TV is mentioned to a Watertown resident, one of several standard jokes is recited. (One person told me, "If your best friend was killed in a car accident, WWNY would put you to sleep telling you about it.") Even *Times* reporters, otherwise loyal to Brockway, find the station something to sneer at. "Listen, the Federal government does require television stations to provide a certain amount of comic entertainment," one reporter said of WWNY newscasts.

That is about all that can be said. During a four-day stay in Watertown last spring, six of the station's news shows were monitored. The news, imperfectly recited in dull monotonies by anchormen wearing clashing doubleknit suits, usually begins with the least important breaks. One night, when a tanker had run aground along the Seaway and a local farmer was threatened with the loss of 60 cows to a rare cattle disease, WWNY led off with almost two minutes of film of citizens receiving Good Samaritan awards from the state troopers for administering mouth-to-mouth resuscitation to heart attack victims. The grounded tanker—to which no film footage was devoted that night—had to wait until WWNY finished a two-minute pitch for an upcoming chicken barbecue at Holy Family Church.

An interview with a visiting State Commerce Department official was botched by a questioner who obviously did not have even the most rudimentary knowledge of state economic affairs. Canned graphics, often no better than those taken from a children's coloring book, dominate up to half of the broadcast. Film footage rarely shows action. Sportscasters, weathermen, and, on the late night news, the international reporter, are featured in furniture and tire store ads that break up the news show. On bal-

ance, they are better salesmen than newsmen. WWNY is one of those stations where the commercials are a refreshing interruption.

Broadcasting manager Malara concedes that WWNY goes in too much for "panning the head table of a Rotary dinner for one and a half minutes," and says, "We don't do the job with film production that we should do." He indicates the unimaginative attitude that pervades the station from the top down when he excuses this by saying, "Our audience views the dinner honoring the retired principal in Cape Vincent as important news. It's a big story in the North-country when the town of Ellisburg buys a \$50,000 truck."

As at the newspaper, WWNY understands its relationship with its audience to be static. There is no sense of challenging its viewers or of attempting to surprise them by offering higher quality material.

Despite this major weakness, the amount of time WWNY devotes to news and public affairs is not significantly below national standards. The station regularly runs one hour and fifteen minutes of news and public affairs broadcasting each day. This includes two half-hour news broadcasts at 6 and 11 p.m., and three five-minute breaks during the morning *Today* show for local news and public affairs announcements. The station also broadcasts a half-hour public affairs show called *Sounding Board* every Tuesday night. The FCC's annual report on television programming shows that WWNY, in 1975 and 1976, devoted an average of 23.6 per cent of its total program time to news, public affairs, and other non-entertainment, non-sports broadcasting, only slightly below the national average of 24 per cent. Of this, five per cent represented completely local programming, compared to a national figure of 8.4 per cent.

Viewer ratings for WWNY's news broadcasts are high, but these are the shows for which its audience has few alternatives. WWNY's highest-rated show is the *CBS Evening News* (the station is a CBS affiliate), while its own six o'clock local news broadcast is the second highest-rated, claim-

ing 80 per cent of the viewing audience.

Watertown-area viewers have alternatives for entertainment programming, however, and WWNY's ratings suffer as a result. Here, Watertown's geographic isolation is both an advantage and a drawback. Because WWNY broadcasts in a market where there is no regular commercial programming from the rival networks, the FCC allows the station to interrupt its scheduled CBS broadcasting to clear time for popular programs or specials that it wants to run from ABC or NBC. WWNY regularly runs the NBC *Today* show and *The Bionic Woman* and frequently clears time for movie specials like *The Godfather* or *Gone With The Wind*. The station will often do the same with significant sports events like the World Series.

On the other hand, the isolated Northcountry also has one of the most extensively developed cable television reception systems in the country. Malara estimates that the General Electric and Newhouse cable systems reach about 10,000 homes around Watertown, affecting about 40 per cent of his broadcast market. These cable systems bring in three Syracuse channels, three New York City stations, and two Canadian stations. Against this competition, WWNY's share of the entertainment audience drops to 30 per cent and even as low as 25 per cent during the most lucrative prime-time hours. This, according to Malara, "fractionalizes" a market already low on the list of preferred locations for national advertisers, limiting WWNY's ability to attract national commercials.

AM Competition

WWNY radio is sometimes slow to respond to competition, behaving as if it were the only station in town. The best example of this was its initial response to its toughest AM competitor, WOTT. When WOTT first came on the air in Watertown in 1959, offering a popular music format aimed at a young audience, WWNY, according to Malara, "went along for a long time as if we were the only

station." WWNY "got clobbered" on the first rating taken between the two stations, says Malara, but still waited a couple of years before upgrading its programming and recouping some of its ratings losses. Both stations now share about 50 per cent of the market. WWNY-AM is also somewhat restricted by its CBS



Conflict of interest?: Tony Malara, broadcaster and Republican Party leader.

radio affiliation, which requires it to free air time for news broadcasts and public affairs programming that WOTT uses for popular music.

WOTT remains the toughest competition Brockway faces for strictly local advertising. WWNY Radio Director Tom Bruce says that WOTT "is a very strong competitor. They have a very good advertising staff and sell a ton of ads." James Graham, president of RPB Productions, which manages WOTT, believes that Watertown is a competitive market and will remain so with or without divestiture. He says, "There are now three major entities in Watertown—the *Times*, WWNY-TV, and WWNY radio. They all happen to be owned by the same man. If they were individually owned, we would still have three entities to compete with." He agrees with WWNY executives who predict that the most significant consequences of divestiture would be rapid reduction in the news staff of WWNY radio, which currently shares its news operations with WWNY-TV. "I am sure we couldn't afford the kind of radio news we now

have without the benefit of the relatively more lucrative revenues of the TV station," Bruce says.

Another factor hurts Brockway's advertising sales effort. It is not uncommon, in a location like Watertown, for a kind of raw commercial populism to vent itself against the local monopoly, if only because it is there. Brockway says it has not conducted a comprehensive advertising survey of its market, and would probably not release it if one had been made. But three shopkeepers said they deliberately sent the bulk of their ads to smaller weeklies or WOTT, because they don't like the idea of supporting a company that has the entire market blanketed. One druggist said, "I don't know if the *Times* or WWNY is out of line. I don't have much to compare them to. But I just won't pay 'em, that's all."

Despite the *Times*'s superior staff and news sense, there is a competition for news between the print and broadcast operations. Readers and viewers often do not perceive this distinction, however. Reporters at both the *Times* and WWNY say they are constantly asked by callers to relay announcements and news stories to the other operation, even after they have insisted that the two have separate staffs. And the two do sometimes scoop one another, but usually this is the result of the practical limitations of both media. Meetings and breaking news that occur after the *Times*'s noon deadline make it on the evening WWNY news. The *Times*'s vast network of local correspondents often picks up education, government, and agricultural stories that WWNY, with only one camera crew on a normal shift, cannot reach.

Virtually every member of both the print and broadcasting staffs agrees that the two operations are kept at arm's length. John Jr., who usually listens to the WWNY-AM noon broadcast over lunch, says, "I get an epileptic fit when we get beat by WWNY." "That's accurate," a reporter said, "He pretty much goes mad. Sometimes I think that if the station were separately owned there might be less competition. There

seems to be an intra-management rivalry about the thing."

The *Times* clearly has the competitive edge both in reaching and covering news. WWNY's five reporters and three cameramen are spread thin across the vast area of Jefferson and St. Lawrence Counties. Malara concedes that his Northcountry coverage—primarily St. Lawrence County—is often weak. On a normal, daytime, eight-hour shift, WWNY has only one camera crew working, and it is often assigned to routine coverage of meetings. In addition, WWNY photographers do their own laboratory work, which further restricts the time they can spend shooting. Important stories are missed, or picked up the next day, if the crew cannot travel the long distances required to cover a fast-breaking story.

The tanker aground in the St. Lawrence is a good example. The *Times* ran the story on its local page the day after the accident occurred. Its coverage was extensive, and was accompanied by a photo and a sidebar on previous accidents in the Seaway. By contrast, WWNY ran no footage of the accident in the three days following the accident, and its brief reports on the incident gave no evidence that any one of its reporters had actually visited the site. Malara explains the difference in coverage this way: "Tankers aground in the St. Lawrence are a fairly common event. I believe that tanker went aground on a Tuesday morning. We did not feature it as a big story until the weekend. We have to pretty heavily scrutinize each Northcountry assignment for its value. Sometimes the effort to get there, the overtime and all the rest, does not justify the trip."

In extraordinary circumstances, the station does make an extra effort. During last winter's blizzard, WWNY suspended its regular commercial programming to stay on the air to provide round-the-clock emergency information and assistance to stranded residents. Last summer, WWNY hired a plane and sent a camera crew up to the St. Lawrence to cover a major oil spill on the Seaway, even arranging to have film

flown to New York the first night of the spill for use on CBS national news. Short of near-catastrophes like these, WWNY does appear to have trouble covering its broadcast area adequately.

"There's No Other Paper"

Unimaginative management at the station and WWNY's poor development of resources have clearly had their effect on Watertown residents. Many people—even those who have no opinion on the divestiture order—feel that WWNY could be greatly improved. The credibility of WWNY and especially the *Times* suffers more, however, from their monopolistic image and the political power of their owners. Because they can hardly afford to, very few politicians in town will comment on the Johnsons. The man on the street, however, is vocal and suspicious. "How can we believe all those editorials when everyone knows Johnson is like this with the Republicans?" asks one factory worker crossing his fingers. "Well, we just don't believe it, that's all," says a downtown barber. "But there it is. There's no other paper."

Johnson is unabashedly open about his considerable political influence, and brushes aside the criticism that this damages the paper's credibility. Like many publishers, his opportunity to develop conflicts of interest is wide; unlike most, he feels no need to disguise them. Johnson's position as civilian advisor to the Army for Northern New York is a good example. After World War II, the *Times* was largely responsible for giving Fort Drum, a military base near Watertown, its current name. Johnson's support was influential in the Army's decision this year to move its training camp for special Arctic forces from Alaska to Fort Drum.

Did Johnson's position affect the *Times*'s coverage of military affairs, especially, say, during Vietnam? John Sr. replies, "We were pro-Vietnam anyway... we have always been pro-military around here. I would hope that people would take a broader view

of this. Fort Drum began during the War of 1812. We were for John Foster Dulles—hell, he came from here. You certainly don't attack your neighbor."

If the *Times*'s credibility suffers from Johnson's many outside interests, he is careful to avoid tension within the paper. He has never been known, his employees say, to censor an article on a subject in which he is involved. Several reporters who have written unfavorable stories on the Dormitory Authority or the Republican Party say that neither Johnson exerted pressure or significantly altered their copy. Conflicts are often more subtle than that, and are the kind readers would never hear about.

Often these conflicts center on Malara, whose activities in the Republican Party sometimes cause friction between him, the Johnsons, and *Times* reporters. John Jr. tells of one incident that particularly annoyed him. "In October last year, the wife of the Republican county chairman was murdered by the son of an ex-Republican judge. WWNY fucked around until 2 p.m., refusing to name the murderer. I knew Malara was up at the house, helping to clean up and console the family, but I couldn't get to him. When I saw him the next morning, he still wouldn't give me the kid's name [Johnson got the name from another source, had his reporters confirm it, and published it in his first edition the next morning.] Christ it pissed me off—not because Malara is an employee of mine, but because he wouldn't tell me." When WWNY broadcast an account of the murder, it attributed the murderer's name to the *Times*.

Last spring, when *Times* reporters Gault and Barnes were finishing their investigation of the county sheriff, a Republican, they asked for an interview with Malara. County Republican leaders were reportedly getting ready to withdraw their endorsement of the sheriff for re-election, and Gault and Barnes wanted to get the story straight before submitting it. "Malara asked us to hold off on the story for a while, and then he brought in Bob Tompkins, the anchor man at

WWNY, which guaranteed that just about anything he said would be on the evening news that night. We had developed the story ourselves as *Times* people, and then Malara, the county Republican vice-chairman, brings along his own anchorman. We had to get our story out sooner than we had wanted as a result—not to mention the kind of conflict WWNY gets into on this kind of thing."

Malara admits that "Yeah, sometimes I find that I have a problem" with conflicts. "There are times when I am privy to news. Friends in politics know that, and we have a sort of unspoken agreement about what they can and cannot say in front of me." It is hard to imagine, however, that even a man who sounds as careful as Malara does always restrain himself. He is in a position to get the edge on news about his party, and also to slant it in his favor when he needs to. The fact that he says he never does this is a distinction lost on many of his viewers. Johnson Sr. has told Malara that he can never accept the position of chairman of the party, but Malara says this is due more to the demands this would place on his time than fear of conflicts.

While the Johnsons insist that they have no contingency plan for divestiture, no one expects them to sell the *Times*. If they lose in the Supreme Court, and are not successful in bringing appeals on other grounds, divestiture of the television station, sometime in the 1980s, appears unavoidable. For Watertown, this will probably mean a better TV station and could even, over the years, enhance the image of the *Times*. Among its readers, its gravest drawback seems to be its reputation as just another entity of a local communications monopoly, an unfortunate image when measured against many of the *Times*'s best qualities.

Divestiture, in other words, is a form of government regulation—the Johnsons would say meddling—that could have positive gains for Watertown and genuine losses for the Johnsons. But even here the loss will be more in the realm of nuance, of feeling, than of finances. The FCC cannot

force the Johnsons to sell the television station at less than market value. They can apply for waivers and other delays until they receive an offer that is fair. Nor does the argument that divestiture would deprive Brockway of income that it uses to maintain the quality of the *Times* appear to be valid. The Johnsons could apply the proceeds of the sale of the station to other profit-making ventures, in or out of broadcasting.

But the Johnsons are steadfast. Their resistance to divestiture so far, and their replies to the possibility of it, go to the heart of the kind of publishers they feel themselves to be. It is not just the divestiture of one station—or of seven or 79—that the FCC has gathered up in its decision. The FCC is really calling for the end of an era of paternal feeling, an end to small communications dynasties that permit one family, or one group, the presumption that they know what is best for a community.

Why have the Johnsons refused to consider approaches by outsiders who are already making offers for the station? ("We ignore all overtures, except those made in person, when we say 'No,'" Junior says.)

Senior says, "We were always just a local operation here, committed to the Northcountry. I don't think anybody could do the job we do. Well, if we had ambitions to go somewhere else, you know, really build this thing, well maybe I could understand the government's action. But I'm in a very difficult position. On the one hand, I don't like big conglomerates. They're terrible. On the other hand, we have our little operation here—and we want to continue. Someone coming in from the outside won't give a damn about the Northcountry."

Why haven't they considered selling the station, and picking up another, possibly more lucrative operation in, maybe, the Midwest, the sunbelt, Terre Haute?

"Terre Haute?" Senior says. "Oh what the hell—they're not our people."

"Terre Haute?" Junior says. "Shit, we don't know anybody there."

CROSS-OWNERSHIP ON THE SCALES

What Studies Tell Us About Impact Of TV-Newspaper Combinations

Lack of diversity leads to news overlap, abuse of power.

BY PETER M. SANDMAN

In all the legal maneuvering surrounding the government's effort to break up newspaper-broadcasting combinations, one issue—indeed the central issue—has regularly been overlooked. What do we know about the relationship between ownership and content? Does newspaper ownership of broadcast stations in the same market really produce stations of inferior quality? Is there any evidence that independently owned stations are likely to be better than monopoly stations? If the answer to these questions is "No," then an army of lobbyists, lawyers, regulators, and judges is wasting an extraordinary amount of time and money trying to break up local combinations for no good social or journalistic reason. If the answer is "Yes," then this evidence should be at center stage in the debate.

Some serious First Amendment questions are raised when the government tries to assess media content. That may explain why both the FCC and the U.S. Court of Appeals concluded that some two dozen research studies on the effects of cross-ownership are inconclusive or unrealistic. It is safer to make rulings on the basis of anti-trust law or other established legal principles. But if lawyers avoid this evidence, journalists should not.

After evaluating the major studies in this area, I believe we know a great deal about the effect of cross-ownership upon media content—more than the FCC and the Court of Appeals have acknowledged. Despite the problems of sampling, defining "quality," interpreting data, and controlling for the bias of researchers, the evidence is not all that ambiguous. The studies show that local cross-media ownerships diminish diversity, have little effect on quality, and increase the dangers of news management. A good case can be made for divestiture based on these studies.

Diversity: Tweedledum And Tweedledee?

The earliest research on diversity focused not on cross-media ownership, but on competing newspapers in the same community. The studies usually found that the papers were indistinguishable. A typical study in 1948 of the two papers in Pottsville, Pennsylvania, was appropriately titled "Rivals in Conformity." Finding only "trivial" differences in news and editorial content, author Stanley K. Bigman concluded that because the two publishers were so similar in class and ideology, the town would lose nothing if it lost one of the papers. Some years later it did.

When I began researching this article, I expected to reach the same conclusions as Bigman. People who can afford to own newspapers and broadcast stations, I reasoned, inevitably share the same values.

Peter M. Sandman is an associate professor in the department of Humanities and Communications at Cook College, Rutgers University.

Unless we somehow select media owners with visibly different values (consider the First Amendment implications of that!), we won't accomplish much by forcing an owner to sell half his holdings to his country-club buddy. The owner of one paper or station is as unlikely to be a rabid anti-capitalist as the owner of another—or the owner of several. But if you are willing to settle for less fundamental sorts of content diversity, there is evidence that ownership diversity does provide it.

In 1970, for example, an Ohio University professor, Guido H. Stempel III, studied the media of three small Ohio cities: Zanesville, Steubenville, and Portsmouth. At the time, Zanesville was the only city in the country with just one newspaper, one TV station, and one radio station all owned by the same company. Steubenville and Portsmouth also had only three media apiece, but with competing ownerships.

Over a ten-day period, Stempel counted the percentage of exclusive local news stories in each medium. More than three-quarters of the stories in all three newspapers were exclusives. But the figures for broadcasting told the tale:

| | % Radio Exclusives | % TV Exclusives |
|--------------|--------------------|-----------------|
| Zanesville | 11 | 21 |
| Steubenville | 44 | 46 |
| Portsmouth | 30 | 38 |

Zanesville's stations, in other words, were duplicating the news in each other and in the cross-owned newspaper much more than the stations in the other two cities. Not surprisingly, when Stempel surveyed residents of the three cities, he found that people in Zanesville paid less attention to radio and TV news than people in Steubenville and Portsmouth. There was less to pay attention to.

Of course Stempel's research is only a case study; it says nothing about the average content overlap of cross-owned and independent media. In 1970, the National Association of Broadcasters hired Stempel's colleague at Ohio University, James A. Anderson, to try a national study. Anderson analyzed news stories in 49 cities where a newspaper-broadcast combination faced competition from separately owned stations. He found no evidence that cross-ownership hurts diversity. In fact, the news in the papers was slightly more similar to the news on the stations they *didn't* own than to the news on the stations they did. For obvious reasons the NAB relied heavily on Anderson's study in its briefs to the FCC and the Court of Appeals.

And for obvious reasons the opponents of cross-ownership tried hard to discredit Anderson's methods—in my judgement pretty successfully. Anderson's biggest error, I think, was failing to control for the many other factors besides ownership that influence media content. Consider audience size, for example. Presumably the dominant TV station in a city is less likely than the number-three station to copy the local paper's news. If the cross-owned stations in Anderson's sam-

ple tended to be the bigger ones (which seems probable, though he doesn't say), they should do a better than average job of enterprise reporting just because of their size.

Anderson also chose a method that systematically understated the true extent of news overlap. His three-day sample consisted of a Monday, a Wednesday, and a Friday, thus automatically excluding instances where stations picked up stories from the previous day's paper. Other research shows that roughly half the duplication between media involves content shared over two adjacent days.

Finally, Anderson collected his data using a letter from an NAB vice president, which told station managers their cooperation was "essential" to determine "whether the FCC proposal [for divestiture of cross-owned stations] would serve the public interest." More newspaper-owned stations than separately owned ones agreed to send in their scripts and identify the "source" of each story. It doesn't take a Watergate cynic to suspect that stations may have considered their own views on the issue when deciding whether to help and what to say.

Even taking Anderson's results at face value, it's quite possible that cross-owned media are intentionally avoiding duplication because they know the FCC frowns on such "collusion." But a fearful decision not to cover the same story is as far from independent journalism as a lazy decision to play copycat.

The most recent research on cross-ownership and diversity is a University of North Carolina Ph.D. dissertation completed in 1976 by William T. Gormley, Jr. The study isn't airtight, but I think it's the best of the bunch.

Gormley analyzed the news at 25 TV stations and 19 daily newspapers in ten cities, each including at least one newspaper-TV combination. After controlling for the effect of TV market size, he found that cross-ownership increases news overlap by 16.7 per cent. In other words, a TV station owned by a newspaper uses an average of 16.7 per cent more sto-

ries that the paper also ran than the same station would use if it were independently owned. In Gormley's sample, 40.8 per cent of the state and local news run by separately owned TV stations also appeared in the paper, while for cross-owned stations the figure was 47.6 per cent (the difference, 6.8, is 16.7 per cent of 40.8). This is not a huge difference—but it is a difference.

The best thing about Gormley's *World Wide*



U.S. Court of Appeals Judge David Bazelon: He ordered the divorce.

work is that he goes beyond statistical correlations to show why cross-owned media tend to copy each other more. Gormley sent a questionnaire to newspaper managing editors and TV news directors in every city with a newspaper-TV cross-ownership. Analyzing the 214 replies, he found little evidence of autocratic owners at work. Instead, he discovered three aspects of "pack journalism" that characterized cross-ownerships more than separate ownerships: sharing newspaper carbons with the station before publication; employing a former reporter for the paper at the station; and locating both paper and station in the same building. These three factors all increase the likelihood of news overlap; together they accounted for nearly half the difference between the two kinds of ownerships. The rest of the difference was unexplained by Gormley's study.

Gormley's biggest methodological problem is that he picked his ten-city sample in a way that guaranteed he'd get some combinations that shared carbons, etc., and some that didn't. This stratified sampling technique is the right method for measuring the effects of Gormley's three factors, but it tends to cloud his

estimate of how much news overlap actually occurs.

In other words, while Gormley did prove that his three factors lead cross-owned media to copy each other more than separately owned media, his estimate of the size of the difference, 16.7 per cent, is probably a little high. If you thought it was pretty low already, you may need to revise your opinion on how big a threat to diversity cross-ownership really

is.

I agree with Gormley's conclusion: "The homogenizing effects of cross-ownership which we have identified are so circuitous as to be invisible to the casual observer. Nevertheless, homogenizing effects of cross-ownership need not be blatant, deliberate, or spectacular to warrant remedial action." The mainstream American media are depressingly lookalike at best. Gormley shows that cross-ownership makes them a little more so.

Quality: The Bigger-Is-Better Hypothesis

Supporters of media concentration can hardly argue that it contributes to diversity of content, so instead they argue that it contributes to quality. Media combinations have more resources, they tell us, some of which, at least, are plowed back into the product to make it better.

Whether cross-ownership provides a significant economy of scale (rather than just a tax advantage, say) is an issue that I am not prepared to assess. But whether cross-ownership actually produce better media is once

again an empirical question. The answer is "No."

Of course, different people mean different things by media quality—and much of what we mean is virtually immune to the calculations of social science. Still, most would agree that good newspapers and good news programs present more news, and more local news, than poor ones; good TV stations also present more public-service programming, more local origination, and maybe more "highbrow" entertainment. How well do cross-ownerships measure up to these standards?

The most sophisticated research on cross-ownership quality is the work of Harvey J. Levin, an economics professor at Hofstra University. Levin submitted a preliminary study to the FCC in 1971 and a revised one in 1974. Stations owned by newspapers, he reported, were no different from separately owned stations in amount of news, amount of highbrow entertainment, or amount of local programming. Newspaper-owned stations were slightly ahead (17 minutes a week) in amount of public-affairs programming. But in markets with only one VHF station (where cross-ownership provides a near-total news monopoly), this advantage of newspaper-owned stations disappeared. Instead, Levin found that when a newspaper owned the only VHF station in town it broadcast 135 minutes a week less local programming than independents. There were no other differences in one-VHF markets. Levin concluded that divestiture certainly wouldn't hurt the quality of TV any, though he couldn't prove that it would help much either.

Other researchers have found a slight advantage for cross-ownership. In Anderson's study, for example, cross-owned and separately owned stations performed equally in number of news stories, length of stories, breadth of topics covered, and number of sources used. But cross-owned stations did run less wire copy (perhaps because they had their newspapers to rely on instead). The FCC did its own in-house analysis of 1973 station programming reports and found no

differences in total amount of news and public affairs. But cross-owned stations, it found, ran 56 minutes a week more local news and public affairs. A different statistical tabulation of the same reports, published by doctoral students Michael O. Wirth and James A. Wollert in 1977, showed cross-owned stations with more news but not more public affairs, and with more local news only in the top fifty markets.

Call it a toss-up. The studies provide scant rationale for protecting or divesting cross-ownerships on grounds of news quality.

When we turn to editorial performance, the results are far from a toss-up. Even NAB-funded studies have found that cross-owned stations editorialize less than separately owned ones. In Gormley's sample of 117 TV stations, half the newspaper-owned stations ran no editorials, com-

pared to only a quarter of the separately owned stations. Gormley sympathizes with the dilemma of the newspaper-owned station: "If its editorial viewpoints closely resemble the newspaper's, it invites charges of collusion with the newspaper. On the other hand, if its editorial viewpoints differ from the newspaper's, it is negating the newspaper's editorial efforts." So the station avoids editorials altogether.

This finding is consistent with one of Anderson's most intriguing results—that the news on separately owned stations "expressed more intense and more negative attitudes" than the news on cross-owned stations. Anderson interpreted this to mean that cross-ownership fosters objective broadcast journalism. But it also suggests that cross-owned stations are simply more timid.

No one, by the way, has studied the effects of cross-ownership on newspaper content. Media monopolists often cite the defunct *Boston Herald Traveler* as evidence that many papers might crumble without a profitable TV station to lean on. But they have trouble coming up with a second example. Most surviving newspapers today are morning or evening monopolies. Cross-ownership probably has little impact on their quality or ability to survive.

News Management: Temptation And Power

Four facts about most media owners are indisputable. First, they sometimes influence the news out of self-interest or political ideology. Second, they sometimes resist the temptation to influence the news in this way. Third, the vast majority of news stories offer no temptation to begin with. And fourth, it is extremely difficult to prove in any particular instance that news management did or did not take place.

Given these four facts, how would you go about deciding whether cross-media ownership leads to more news management than separate ownership? Advocates of this hypothesis would

supply you with a collection of suggestive—even damning— anecdotes. Opponents would note that for every suspect story the paper or station ran hundreds of innocent ones. And they would ask what proof existed that separately owned media didn't fall short of ethical purity just as frequently.

In its cross-ownership divestiture proceedings, Berkeley law professor Stephen R. Barnett offered the FCC 64 pages of horror stories. The FCC ignored them. The Court of Appeals explained why: "The Commission's focus was on national trends, and it may have felt uncomfortable drawing conclusions about an entire industry from apparently isolated examples."

How many horror stories add up to a national problem? In 1969, the NAB published a study by George H. Litwin and William H. Wroth, which tried to assess the effects of cross-ownership on content through interviews with media executives and "community leaders" in six markets—three competitive ones and three concentrated ones. This is a questionable methodology at best. In one of their three concentrated markets, Spokane, Washington, Litwin and Wroth encountered strong local resentment of news management by the city's media mogul. The researchers dismissed this resentment as a unique local situation, and went on to conclude that cross-ownership is okay. If one out of three is unique, what's epidemic?

Try to imagine a scientific "survey" of such size and investigative skill that it could uncover X number of cases of news management by cross-owned media and Y number by separately owned media, with both numbers big enough to justify a conclusion about which ownership pattern is more susceptible to news management. There has never been such a study, and there never will be.

We don't need it. Consider one more indisputable fact: the amount of news management is proportional to the amount of temptation and the amount of power. Now consider the ways in

WHERE TO FIND IT

If you want to read more about the effects of media concentration, the best place to start is a 1974 Rand Corporation review, *Concentration of Mass Media Ownership: Assessing the State of Current Knowledge*, by Walter S. Baer, Henry Geller, Joseph A. Grundfest, and Karen B. Posner (R-1584-NSF). It summarizes virtually every relevant study to its publication date, finds nearly all of them methodologically inadequate, and concludes (as academics always conclude) that further research is needed.

The studies discussed in this article are:

James A. Anderson, *Broadcast Stations and Newspapers: The Problem of Information Control*, Ohio University Broadcast Research Center, Athens, Ohio, 1971. Also available under the same title from the National Association of Broadcasters, Washington, D.C. For a shorter version, try James A. Anderson, "The Alliance of Broadcast Stations and Newspapers: The Problem of Information Control," *Journal of Broadcasting*, vol. XVI, Winter, 1971-1972, pp. 51-64.

Stephen R. Barnett, "Cross-Ownership of Mass Media in the Same City: A Report to the John and Mary R. Markle Foundation," September, 1974.

Stanley K. Bigman, "Rivals in Conformity: A Study of Two Competing Dailies," *Journalism Quarterly*, 1948, pp. 127-131.

Federal Communications Commission, "Staff Study of 1973 Television Station Annual Programming Reports," included as Appendix C, *Second Report and Order*, Docket No. 18110, January 31, 1975.

William T. Gormley, Jr., *The Effects of Newspaper-Television Cross-Ownership on News Homogeneity*, Institute for Research in Social Science, University of North Carolina, Chapel Hill, 1976. Or if you're allergic to numbers, try William T. Gormley, Jr., "How Cross-Ownership Affects News-Gathering," *Columbia Journalism Review*, May/June, 1977, pp. 38-46.

Harvey J. Levin, "Supplementary Comments," Docket No. 18110 (FCC) May 15, 1974. Levin's original submission to the FCC in Docket 18110, in April, 1971, is also worth looking at.

George H. Litwin and William H. Wroth, *The Effects of Common Ownership on Media Content and Influence*, National Association of Broadcasters, Washington, D.C., 1969.

Guido H. Stempel III, "Effects on Performance of a Cross-Media Monopoly," *Journalism Monographs*, no. 29, June, 1973.

Michael O. Wirth and James A. Wollert, "Public Interest Program Performance of Multimedia-Owned TV Stations," *Journalism Quarterly*, vol. 53, Summer, 1976, pp. 223-230.

Of course there's a lot more you could read—the items in Rand's 30-page bibliography, the mountains of filings in Docket 18110, etc. And keep an eye out for new studies; the Court of Appeals decision could provoke lots of them.

—P. M. S.

which cross-ownerships are more tempted and more powerful than separate ownerships:

1. The cross-owner has more local interests to protect—not just the newspaper and the broadcast station, but also the relationship between them. This explains the well-documented finding that the nation's cross-owned media did a miserable job of covering the FCC's cross-ownership inquiry and decision. Cross-owners also tend to be bigger cheeses in their communities, with their fingers in more pies, and thus with a personal interest in more of the news.

2. The cross-owner can protect his or her interests in more media. Each separately owned medium has different sacred cows, different people and issues that must be covered with caution. When the same owner controls two media, the sacred cows of each are binding on both. If a local supermarket chain advertises in the newspaper, for example, the cross-owned TV station has to be careful about food coverage.

3. The cross-owner faces less chance of corrective coverage in another medium. In a hotly competitive market, one medium may expose the bias in another's coverage. It may shame the opposition into covering the story properly, or at least provide an alternative place for the story to appear. Cross-owned media cannot keep each other honest.

4. The cross-owner is less vulnerable to retribution. If one owner dominates the local media, dissatisfied sources and advertisers soon learn not to complain too loudly. The same is true of dissatisfied reporters. There is no place else to leak the story, and no place else to find another job. Promotions at both the paper and the station go to those journalists who consciously or unconsciously adhere to the biases of the owner.

Do these arguments "prove" that news management is a more serious problem for cross-ownerships than for separate ownerships? I think they do. Barnett states the case well: "If medical science knew how cancer was caused and knew that cigarette smoke caused it in a specific

physiological way, it would not have to try to establish the causal relationship by comparing cancer rates in groups of smokers and non-smokers carefully chosen to control for all other possible variables." We know what factors tempt media owners to manage the news and convince them they can get away with it. We know that cross-ownership increases these factors. Unless cross-owners are intrinsically more ethical than separate owners, which is unlikely, we therefore know that cross-ownership increases news management.

Conclusion: Where Do We Stand?

Here, then, is the box score. Diversity: cross-ownership diminishes diversity of content by increasing news overlap. But the difference is small. Quality: cross-ownership apparently doesn't

affect media quality (amount of news, public affairs, local content, etc.), except that it does keep cross-owned stations from editorializing freely. News management: cross-ownership increases news management. Thus cross-ownership in no way improves content, and in some important ways hurts it.

John A. Dimling, Jr., vice president and research director of the National Association of Broadcasters, is, for obvious reasons, an active opponent of divestiture. Dimling told me that, with only minor quibbles, he accepts the analysis in this article. But he disputes the conclusion: "This is the real world," Dimling says. "It was the FCC that first encouraged newspapers to get involved in broadcasting. The punishment of divestiture is too awful for the small effects that the research shows cross-ownership has." If we were designing a hypothetical

media system from scratch, Dimling admits, cross-ownership would be a good thing to prohibit: "I would advise the NAB against opposing a ban on cross-ownership on Mars." But the NAB plans to continue opposing a ban on Earthly cross-ownership, and Dimling will do what he can to help.

He'll have to do more, I think, than show that the damage done by cross-ownership is modest. It is modest. But it's there, and the law says broadcast licenses should be awarded in the way that best serves "the public interest, convenience, and necessity." If the Supreme Court affirms it, the Court of Appeals decision is bound to lead to a lot more studies on the effects of cross-ownership on media content. But right now the evidence is against cross-media ownership, and I very much doubt that further research will affect that conclusion. ■



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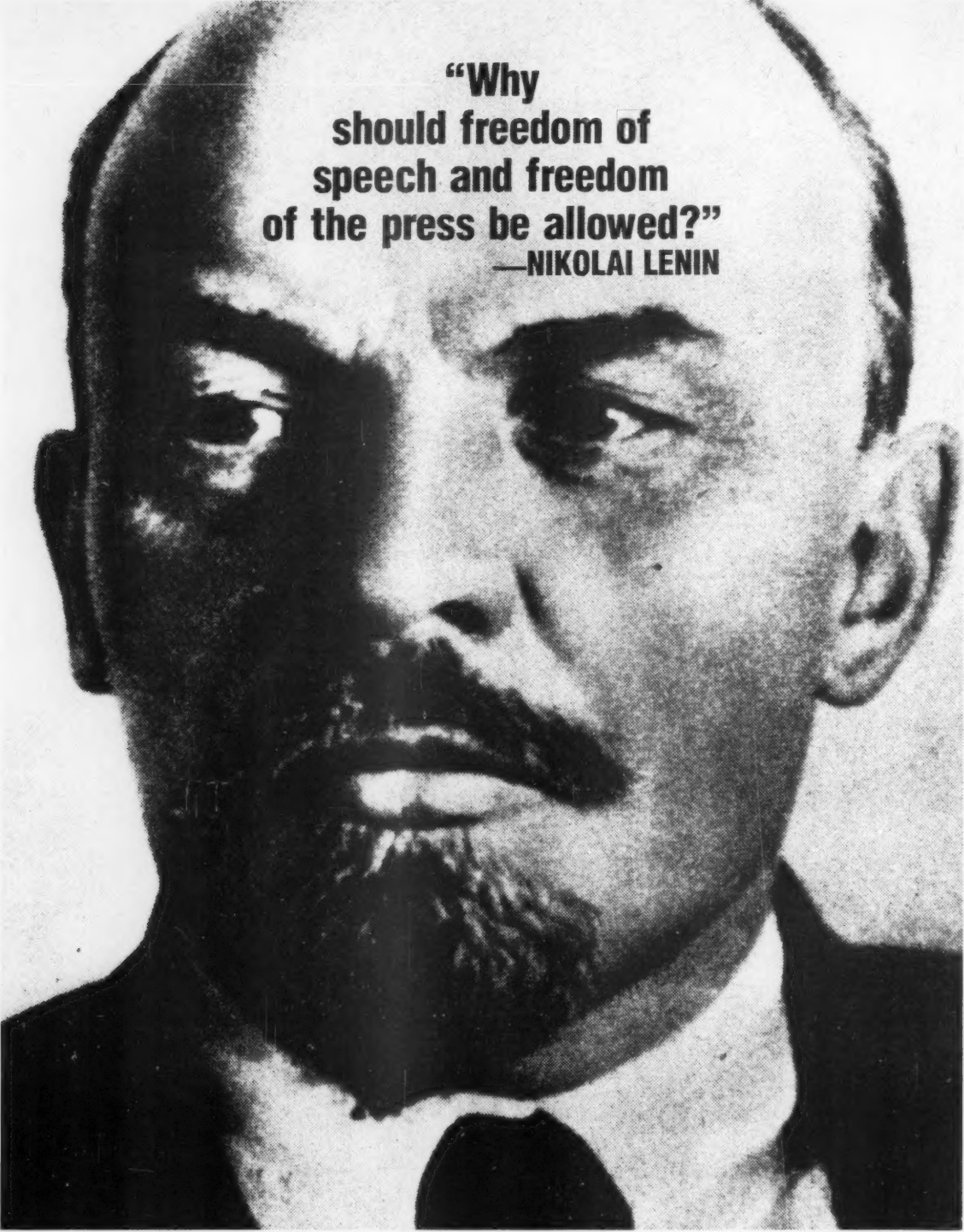
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The sheet that invented "sex appeal."

BY HOWARD A. RODMAN

In 1905, the vaudeville team of Redford and Winchester purchased a display ad in the New York *Morning Telegraph*. A subsequent *Telegraph* review of their act was not so favorable. R&W complained to the advertising department that they had received no *quo* for their *quid*. The review's 33-year-old author was fired. In true *Park Row* newspaper-flick style, he vowed to found his own entertainment newspaper—an honest one. He borrowed some money and used the logo his wife drew up on the tablecloth of a Harlem nitery. The man's name was Sime Silverman and the rest, as they say, is *Variety*.

The Weekly Bible of Show Biz occupies—and has occupied, for the better part of a century—a storefront office on West 46th Street, in the heart of what is still occasionally called the theater district. Up half a flight from street-level are the editorial offices: a series of desks left over from *The Front Page*, a bunch of vintage manual Remingtons, assorted furnishings in a style which could be described as British War Office surplus. Between the editorial offices and the large windows—on which *Variety*'s flying-V logo is written backwards—is a raised platform which serves as the editor's sanctum. The desk is Sime's old one. (It used to face the office, but was moved sideways in 1911, in a literal attempt to give Sime a lower profile after a drunk, disgruntled vaudevillian took a pot shot at him through the window.) The man at the desk now—*Variety*'s publisher and executive editor—is Syd Silverman, Sime's grandson. In an office filled with tieless men who look like fight promoters, extras in a *film noir*, or the newspaper reporters that they are, Syd (Princeton '54) wears a button-down shirt and rep tie, and smokes a pipe. Sime lived on the Great White Way, and in the hearts of entertainers; Syd commutes from Westchester. If *Variety*'s editor from 1933 to 1973, the late Abel Green, rapped like Damon Runyon on Dexamyl, Syd discourses, taking thoughtful puffs on his pipe while composing leisurely well-constructed sentences.

And yet, even in *that* office (which one staffer describes as "an anachronistic broom closet") it's entirely appropriate that Syd Silverman not come on like a Mazda Lane sickie. The *gams* and *niteries* of Sime's day have given way to *webs* and *pacts*. As Green told a reporter shortly before his death, "The bankers are all there is now. It's a big business now, not show business. There was Broadway, and then radio took that coast to coast, then films beyond that, talkies, TV, glorious living color. But nothing really changed... *Variety* has always had to move where show business moves."

Syd Silverman quotes the late *Variety* reporter Bill Greely as defin-

ing it as "the last of the home-town newspapers." Syd puts it a bit differently: "We're an independent, horizontal, business publication."

Duodenal Feenies

In the best sense of the metaphor, then, Syd is *Variety*'s Michael Corleone: the man who brought the family business into the corporate era. *Variety*'s continued success, as Abel Green noted, depends on moving where show biz moves, on adapting with sinuous agility to the contours of leisure-time capital. Sime and Abel could party all night with Walter Winchell and Jimmy Durante. Syd holds his own among the zero-base, bottom-line, cost-effective, managerial types by whom today's entertainment industry is helmed.

Syd and the staff over which he presides—43 in New York, 28 in Los Angeles, five in London, three in Chicago, three in Rome, two in Paris, two in Sidney, one each in Madrid and Washington, plus a couple of hundred stringers, who contribute reviews of out-of-town plays and concerts at \$6 a column—put out *Variety* every Wednesday. It sells for 75¢. For that you get about 88 pages of 11 inch x 16 inch newsprint, tightly packed. You'll never see photos or graphics in the editorial section. Headlines elbow one another furiously: "There seems at times to be a prize," says television editor Larry Michie, "for Most Stories on a Page." A page on which sixteen stories begin is not at all uncommon. And the amount of white space would give a designer of the post-Milton Glaser school the duodenal feenies: there isn't any. As Michie says, "Syd knows the price of paper."

What you'll find among those tightly leaded columns: coverage of films, TV, radio, music, and the stage; *Variety*'s own compilation of the 50 top-grossing films; the "move," which reports on show-biz figures who have, during the preceding week, gone to and from NY, LA, and Europe; a poignant and comprehensive obit section; and all manner of advertisements, ranging from a 13-page spread announcing the commencement of principal photography on *Superman* to a 2-column-inch ad for a ticket printing company.

Variety's never been big on titles. In 1933, Sime announced Abel's accession to the editorship by pointing to the desk adjacent to his own and saying, "Abel, you sit here." (He was granted the title officially twenty years later.) Despite the informality—and the masthead's exclusion of any staffer or editor save Syd—there is a hierarchy. The man whose desk abuts Syd's—in other words, *Variety*'s managing editor—is Robert J. Landry. Landry, or *Land*, as his italicized review slug would have it, is Sime's son-in-law, Syd's uncle, and has been

Howard A. Rodman is a freelance writer in New York City.

with the paper since 1926, when he was employed as *Variety's* original radio reporter. Functioning as an associate managing editor is Bob Hawkins, recently transferred to New York after many years in various of *Variety's* foreign bureaus. A quiet, self-effacing man, he's been aboard since 1948 when, as a student, a letter to the editor landed him a job as a copyboy. If Landry represents the tradition of the *Variety* "mugg" (a *Wall Street Journal* piece on the paper several years ago quoted exactly one sentence from Landry: "We trample on toes."), Hawkins reflects the increasingly international orientation of *Variety*. Though he's only just come to New York, Hawkins is every bit the *Variety* lifer. "I've never worked for anyone else," he says. "Actually, I've never really wanted to."

Television Editor Larry Michie—a job he's held since *Variety's* former TV czar, Les Brown, left for *The New York Times* in 1973—is a relative newcomer, having been on staff only 11 or 12 years. (Before that, he worked on *Broadcasting* and other trade magazines.) "We're unique among trade papers," he says, "in that we take the point-of-view of consumers, in my case the TV audience." He points with special pride to the review columns in his section. "Ratings are ratings, but the creative community actually does read our reviews. It's important. It reminds us what we're forced to watch. In this industry, it's relatively easy to forget the end-product, which is the viewer."

Michie talks about the difficulty of doing investigative reporting about an industry with such a highly developed public relations arm. "Face it, we're understaffed, they're overstaffed," he sighs. "But it catches up to them eventually. In the long run, they realize that they need you." Michie feels a great deal of sensitivity is needed to sort out industry scuttlebutt—much of which may be promulgated *Variety*ward for self-serving reasons—from genuine news. "We run a lot of 'trend' stories—for instance, we were the first to announce that after years of being

number one among the networks, NBC was headed for third place. But the other stuff is harder. It's like—well, for months I'd been hearing that Herb Schlosser, [president of NBC], was being quite cool toward Bob Howard [former president of the TV network division]. Now you don't want to just go ahead and print something. There are people involved. And personal feelings. Eventually it was clear that something was really happening. We ran the story. Bob Howard was fired shortly thereafter. But it's not the kind of scoop you feel happy about."

Stuart Byron, who worked on *Variety's* film desk until 1969—and who still has sufficient *Variety*-on-the-brain that he's currently writing a book about the paper—speaks of the happier kind of scoop. "Irv Kupcinet in Chicago had written in his column—wrongly—that Darryl Zanuck had had a stroke; I was called in to confirm that Zanuck was still alive and kicking, which indeed he was. While I was in his office, I heard one end of a phone call."

"Hi, Richard."

"How much does he want?"

"Yeah, I know he has three unreleased movies."

"Okay. Sign him."

"At that point, I was ushered out of the office," Byron relates. The Richard had to be Zanuck's son. By process of elimination, he reckoned that the actor with three flicks in the can was Omar Sharif. Byron checked the list of upcoming Zanuck projects, thought awhile, and realized that Sharif had just been inked for the title role in *Che!* (When called, Richard Zanuck insisted that a number of actors were still under consideration. The deduction—a correct one, as it turned out—was spiked for lack of solid confirmation.)

"A lot of the stuff," Byron says, "comes from trade contacts, whom you cultivate." It's a tricky game. One person's press agent will relate a story involving a rival agent's client, which the *Variety* reporter will then get a staffer on the other coast to confirm (in order to disguise the rumor's origin). Or someone on another

beat (*Variety's* New York film section is organized loosely into beats by studio and area of specialization, the TV section roughly by network, although, as Michie says, "If you're talking about *Variety*, you're not talking about rigid conventions.") will pass along something he heard in an unconnected context. In the spring of 1968, Byron ran a story about the Motion Picture Association of America's impending rating system, which the MPAA's president, Jack Valenti, very much wanted to keep under wraps until the system's inauguration in November. "There were only five or six copies of the report and—well, it fell into somebody's hands." (Valenti's had a history of problems with *Variety*. According to the *Wall Street Journal*, when he issued a memorandum urging his subordinates to keep all memos confidential, someone leaked that one to *Variety*, too.)

"But a lot of the investigative reporting," Byron holds, "is just plain legwork and drudgework." The newspaper ran the first story on tax shelter financing of films in 1969. Hobe Morrison, an editor, was reading the *New York Law Journal* and came across an unlikely bunch of investors for an AIP film called *Swedish Flygirls*. "They were the kind of people you would expect to find in cattle, or oil, but not film," Byron recalls. "So we did some research and found out that the film was being financed as a tax shelter, which at that time was unheard-of." Careful perusal of the *Over The Counter Journal* and 10K reports netted Byron the story that one of the hidden owners of the company which produced *The Producers* was Louis Wolfson, the shady financier whose dealings with Abe Fortas led to the latter's retirement.

Murf

"If you want to talk about this kind of reporting," Byron adds, "I must mention Art Murphy." Murphy—A.D. Murphy by byline, Murf by review slug—spent a long hitch in the Navy as a statistician. "For years, Warner Brothers had been maintaining that it was a film company with a record arm, which everyone knew

to be the reverse of the actual case. But in the quarterly reports, the figures were deliberately melded together. Murphy came across a footnote in one of those quarterly statements which said, 'Minority Ownership,' and gave a dollar figure. Murphy recalled that when Reprise had been sold to Warners, Frank Sinatra, Dean Martin and others had been given a 20 per cent ownership in Warner Records. Murphy took the figure, multiplied by five, subtracted that from Warner's total earnings and presto. Eighty-nine per cent of Warner's profits in 1967 came from the record division. A story."

Art Murphy works out of *Variety's* Los Angeles office, which also serves as the headquarters of *The Daily Variety*, a wholly owned subsidiary: slimmer, printed on slick paper, the *Daily* covers West Coast entertainment news, mostly of the film industry. (The two *Variety's* cooperate with one another—carbons of stories originating in New York and Los Angeles crisscross daily in the mail.) When I called Murphy, who was trained by Jesuits before his ten-year stint in the Navy, he allowed as how he was used to taking interviews, not giving them, and sought assurances that I was not planning a hatchet-job. "I once spoke to a guy from *New West*, or *New Waste* as I prefer to call it," he said. The resulting story contained some uncharitable references to Murphy. "Well I'm just waiting," Murphy said. "I get to write *Variety's* obituaries."

Behind the bravado, or perhaps alongside of it, Murphy is modest. "There've been important stories," he says. "And from time to time, I've stumbled onto stories. From reading financial reports, stuff like that. Any fool could do it, literally. I'm just the fool who did." He credits his success to Jesuitical skepticism, an A. B. in math, and a Masters in systems analysis. "And dumb luck. Fortunately, I was untrained in journalism. So I could reject a lot of the pr stuff flying around this town, if only out of what I assumed to be a professional hostility. If I wanted to know something, I called senior execu-

Libby Bianchi



Publisher Syd Silverman (left) and Managing Editor Bob Landry: Putting out the "independent, horizontal, entertainment publication."

tives rather than public relations guys. Believe it or not, the executives would call back. I'm cynical enough to believe that if H.R. and Ron had just put the Watergate transcripts in mimeo form and left 'em on the White House press table, we'd never have had that particular story." He denies any special expertise of the type that Byron and others attribute to him. "Look, I'm neither a great guy nor an SOB. I work from public documents. It didn't take any special genius to realize that someone should get Sylvia Porterish about the movie biz."

Murphy also downplays the clout of *Variety's* film reviews, a large percentage of which he writes. Rejecting the notion that exhibitors base at least some of their decisions on *Variety* assessments, he concedes only that the pieces "represent a fair intra-trade opinion." The only area in which Murphy thinks reviews make a difference is in the "obscure foreign" department. "A couple of critics in New York," he says, "can create a dervish interest in a film from Yugoslavia. A few good write-ups

get you a couple weeks more at a Rugoff theatre. But you can't underestimate the public's intelligence. They know how to read reviews, and they know what they want to see, given the choices presented to 'em. At best, I'm just one more window."

Murphy's particular blend of cynicism, willingness to go to the mat with industry fatcats, and just plain hard work is not unique to *Variety*. But to the extent that these characteristics prevail among *Variety* muggs, it must be credited, at least in part, to the standards and sensibilities laid down by Sime Silverman. "A mugg," he once said, "can be practical and idealistic at the same time. Maybe you get to be a little goofy that way."

The Late, Great Sime

Sime was one of those people for whom the *Variety*-coined term *late, great* seems hand-tailored. At his Temple Emanuel funeral in 1933, 50 New York City cops were detailed to handle the crowds. Mae West sent 500

orchids. Mayor Jimmy Walker wanted to rename Duffy Square "Sime's Square." Warner Brothers commissioned Abel Green to script a bio-pic entitled *Mr. Broadway*. Every legit theatre observed a minute of darkness. And for years after, on the Wednesday nearest the anniversary of his death (Wednesday being the day *Variety* is closed) a procession led by Abel, Helen Hayes, Jimmy Durante, and Eddie Cantor marched to his grave.

From the beginning, Sime fought on the side of the then-fledgling theatrical unions—Actors Equity, later the Screen Actors Guild—and earned himself the enmity of burlesque and legit moguls alike. For years, the Shuberts would not advertise in *Variety*, nor hire any actor who did. When, with the advent of the Hollywood-centered film industry, Sime started a Hollywood wraparound section, industry sources, according to Greely, put up money to found the *Hollywood Reporter*, lest Sime unleash the West Coast supplement as an independent, pro-union publica-

tion. (The *Daily Variety* was formally unveiled in 1933, shortly before Sime's death. It still competes with the *Reporter*. Greely maintained that it was easy to tell the difference: "The *Reporter* tends to be more reverential. They'll run a story about, say, a shakeup in the Paramount management. Our story'll be essentially the same, but we'll preface it with 'Due to mounting losses...'"

If Sime, holding court on the top floor of *Variety* ("When he relaxed from his work," wrote Frank Deford in an *Audience* profile of *Variety* in 1972, "the only real difference was that he drank his own whiskey."), gave the paper its cantankerous showbiz style, Abel Green, a New Yorker who left NYU to become *Variety's* foreign theatrical news reporter, gave it its voice and language. Together with the late mugg Jack Conway—whose pre-*Variety* career was as a prizefighter—Abel gave the paper its patented prose. From *Variety's* description of the 1929 crash, WALL ST. LAYS AN EGG to the 1935 STICKS NIX HICK PIX,

which headed an article about the low box office of films about farm life in rural venues, the paper has been famed for the colorful, the cute, a semiology of outrageous elision.

The headline on Abel's *Times* obit described him as a "Language Stylist." H.L. Mencken was quite partial to Abelisms. Wilfrid Funk, of Funk and Wagnalls, listed him ahead of Mencken and Runyon as the American who had contributed the most to the native jargon. Among the words which *Variety* claims that Abel and Conway invented, or gave significantly new usage to, are baloney, sex appeal, chick, high-hat, pushover, payoff, belly-laff, palooka, and scam, as well as passion-pit (for drive-in), disc jockey, whodunit, emcee, freeloader, nuts, corny, and platter. *Variety* verbs—referred to by *The Washington Post* as "nouns-on-wheels"—include authored, readied, lensed, wowed, and Superchiefed (now jetted). In recent years the practice, originated for punch and concision, has entered its rococo phase. A Western, once an oater, is now occasionally a they-went-thatawayer. Applause has been reduced to mitting, James Taylor is a chirper-cleffer, Lina Wertmüller a femme helmer. And, of course, *Variety* has not been immune to the NASA/Pentagon penchant for the acronym-manque: sitcom, kidvid, FeeVee.

Abel, apparently, talked like he wrote. His request to a friend to give him a phone call would come out, "Gimme a quick Ameche one of these days." Or, as Deford quoted him at one sitting, "To spot an act, we've always had good men around—KC, Boston—I'm just giving you a hinterland. Here's a Ripley; sexplit films; red ink blues; the late, great; I'm just ad-libbing now; Maryland solon; leeries; forty fish; twenty mill; hot-shot porno picture; the greats of Show Business; and Las Vegas, the al-fresco never-never land."

It must be noted, however, that *Variety*'s own stylebook is quite harsh on flash for flash's sake. "Clarity is the first law," it says. "If it's not clear, then what price 'cuteness'? ... Awkward con-



Boffo headlines from *Variety*'s past.

traditions such as phenom, natch, prod. are more caricature than true *Variety* vernacular. . . . Don't overdo *Variety* familiars. Every so often there'll be a run on terms like teoff, hypo, b.o., prez, okay, whammo, and the like. Resultantly these once acceptable terms wear out their welcome. Ankling (for departure from a job or studio); inking (for signing); pact (for contract) tend to be overdone. . . . Hypoing, while not tabu, is overdone. Omit muazuma or greenbacks (for money) . . . Chantoosie for a femme singer is also getting scuffed up as a word." Syd Silverman stresses the task of teaching new reporters to write "straight," not according to their preconceptions of *Variety* style. "We have to present a lot of statistics readably and interestingly. And we have to make the paper intelligible," he adds, always with one eye on the international market, "to those whose first language is not English."

Les Brown, noting the lingering influence of Sime and Abel, and the fact that the newspaper has been owned by one of three generations of Silverman men since its inception, says, "To some extent, *Variety* is run by ghosts." Yet the "independent, horizontal, business publication" which Syd now owns and edits does quite well in this decade.

Envidable Demographics

Variety's got a circulation of about 45,000—about half of which is from newsstand sales. (In early 1968, when *The Wall Street Journal* attempted to ascertain the paper's circulation figures, it received the standard answer from circulation manager Julius Colby: "Mister, you called me, I didn't call you." The law which required all publications with second-class mailing privileges to file an annual circulation statement contained a curious amendment—inserted at *Variety*'s urging, according to the *Journal*, although it's not clear how the paper got the clout to do so—exempting trade papers "serving the performing arts." But in October, 1968, a new postal bill removed the cloak of secrecy.) The *Daily* has a circulation of 15,000.

A *Variety*-commissioned survey, done in 1969 by the Erdos and Morgan accounting firm, disclosed quite the enviable set of demographics. Almost a quarter of *Variety* subscribers have family incomes between 25 and 50 thousand dollars; another 18 per cent have incomes over that. The largest single occupation of the weekly's readership was Entertainment Business Executive (18.6 per cent). A full 15.2 per

cent of the *Daily*'s readers billed themselves as producers. (Then again, in Hollywood, where a paged announcement calling "the producer with the white Mercedes" can empty restaurants, it must be remembered that the epithet is self-styled.)

Variety's main source of advertising income consists of full- and multi-page ads announcing the grosses of newly-opened pictures (GET ON THE VAN-WAGON! IT'S FUN-TRUCKIN' TIME! \$350,000 FIRST WEEK LOS ANGELES MULTIPLE!) or describing releases to come in hopes of attracting exhibitors.

Variety's full-page ad rate is \$850 for talent, \$950 corporate, \$1485 commercial. By counting ad pages, one can extrapolate an annual advertising income on the order of two million dollars. When pressed, Syd Silverman will grudgingly characterize the paper—most of which he owns outright, with the exception of small portions in the hands of relatives or family trusts—as "generally profitable." He says, "When the industry does well, we do well. It's been doing well." When Syd inherited *Variety* from his father Sidney in 1952, the stock was valued at \$433,640. The multiplier needed to arrive at a current valuation is anyone's guess.

In recent years, a proliferating number of special issues—for instance, July's 20th Annual Auditorium-Arena edition—have coverage seemingly designed solely to provide a context for otherwise unobtainable ads. "We used to call it 'puff stuff,'" Les Brown recollected, "though I guess the proper term would be 'editorial support.'" In Sime's day, the editorial department was forbidden to speak to the ad and circulation folks; the tradition, if not the hard-and-fast rule, continues. As Art Murphy says, "Nobody ever told me what to write." May 11th's 20th International Film Annual, geared to the Cannes festival, was so large it had to be bound in softcover: 490 of those large pages, all for the standard 75 cents. Most of the ads were from foreign production outfits, seeking multinational distribution for their wares, listing

Tyrone Dukes/New York Times

the name of the Cannes hotel at which they could be reached. And for every four pages of ads, there were six pages of copy, dredged up from somewhere, on the film industry in the corresponding nation. Says one staffer: "They'll do one at the drop of a hat, on everything from Australian auditoriums to vaudeville in Liechtenstein. They know which side their bread is buttered—with a vengeance."

Yet it is visibly the paper's increasingly international orientation ("Syd's baby," Art Murphy calls it) which has allowed it to survive and prosper at a time when competing publications—the Quigley *Motion Picture Daily*, for instance—were going under. From 1970 to 1972, when the Hollywood majors seemed worried that they could no longer make sufficiently attractive films to overcome huge studio overheads, *Variety* became increasingly dependent on foreign advertising capital. While other "vertical" or one-industry-oriented magazines—*Billboard*, *Cashbox*, *Broadcasting*—may give *Variety* a run for its money in any given branch of the industry, *Variety* remains the pre-eminent "horizontal" weekly covering the whole of show business.

If there is to be heard a complaint about *Variety*, it's that the very success with which it entered the 1970s was accomplished at the cost of a growing conservatism. A mugg who "loved" working under Abel Green maintains he was no longer given quite the same free rein under the Syd Silverman-Bob Landry management which succeeded Abel's upon his death in 1973. Whatever the reasons, *Variety* lost a lot of talent: Les Brown to the *Times*, Lee Beaupre to Francis Ford Coppola, Stuart Byron to freelancing, Dick Hummler to legit producer Alexander Cohen (who, incidentally, says he jets to Europe solely on Wednesdays, so as to be able to have the luxury of reading *Variety* uninterrupted aboard a 747). One current staffer, who declined to be quoted by name, is adamant about charges of conservatism. "Balderdash, humbug, pick your word," he says. "*Variety* has always been a writ-



The late, great Abel Green: He gave *Variety* its lingo.

ers' paper. Still is. You turn out more stuff (*Variety* reporters average 60 triple-spaced pages of copy a week) than you would get anywhere else, and it almost all gets in."

Judith Rheiner, president of the Publicists Guild, finds *Variety* a model of fairness. "A publicist's job is to plant stories. But if you're really being honest with yourself," she says, "you know what kind of play a story you're pushing really deserves. And almost always, without exception, that's the kind of play it will get. It's not very easy to put one over on them. Sometimes I wish it were." Bob Hawkins insists that *Variety* is the last place one will find an unwritten flak handout.

Variety's reviews, given the context, are also extraordinary. The film reviews, for instance, are written for exhibitors, who want a straight, no-nonsense idea of just how well they can expect the movie to do in their particular venue. Yet the pieces—all written by reporters, as *Variety* retains no staff members who are solely critics—exhibit none of the go-for-the-b.o. crassness one might expect. "Art" films are usually

treated seriously and attentively, although *Variety* will usually suggest the markets in which a not-explicitly-commercial film stands the best chance of finding its audience. (*Variety*'s Gene Moskowitz, for instance, was the only American who signed a petition of admiration for Antonioni's *L'Avventura* when it debuted to tremendous audience hostility at Cannes in 1960—a time when support for Antonioni was a somewhat courageous act.) Nor is *Variety* afraid of savaging a stinker with high b.o. potential.

Variety's music reviews are among the most intelligent around. While *The Village Voice* waited for Bob Dylan to attend a Patti Smith concert and thus put class imprimatur on the nascent new wave "punk" scene, *Variety* was reviewing away, treating CBGBs as if it were just another venue. Particularly noticeable is the paper's lack of condescension, be it toward Frank Sinatra or Richard Hell and the Voidoids. Lou Reed, for example, was "in top form proving an excellent rock cabaret performer, an artist whose high musical excitement matches his high volume."

Perhaps *Variety*'s most widely-read feature is its weekly compilation of movie box-office grosses, which serves as the industry standard. It's compiled by the Standard Data Corp., a computer firm, on the basis of information from selected markets provided to it by the paper. "We may be off a little bit one week, but in the long run we catch up," says Syd Silverman. "We make 'adjustments,' of course, if we think that a given theater is overreporting its grosses, but since films are rotated through the same theaters, it is incredibly accurate as a comparative indication of how films are doing. Of course it's only a selection, not the whole market; and the net rental depends on what kind of contract the distributor has with the exhibitors. But when we compare our figures with either the MPAA annual figures, or the Chamber of Commerce data, we find that we're not off by more than half a per cent."

At the end of every issue are the obituaries—a panorama of show biz success and failure. If one reads them consistently, they provide tender access to the aspirations, realized and not, of several generations of men and women in the industry.

Life Imitates Show Biz

Variety often tends to see life, to paraphrase Oscar Wilde, as an imitation of Show Biz. Its concentration on the entertainment industry can tend to blind it to events on the periphery of that industry, which is to say, the world. The practice can be humorous: when Rita Hayworth married Aly Khan, or when Grace Kelly wed Prince Rainier, the brides were referred to as film stars, each bridegroom as a "non-pro." Or, alternately, the showbizcentrism can verge on the macabre:

NY BLUE ANGEL
FIRE KILLS 7
FEAR FALLOFF
IN NEW YEAR'S
EVE BIZ

The recent FALN bombings in New York were mentioned only because one of them was in a building adjacent to Radio City

GREELY: ACES REPORTER

Horace W. "Bill" Greely, who covered television for *Variety* since 1959, died June 24 in Los Angeles, at an NBC preview of its new season. He was 56. Syd Silverman refers to him as "a pioneering reporter in the field of television, especially in regard to the relationship between networks and affiliates, and public TV." Les Brown of *The New York Times* puts it more succinctly: "What *Variety* was supposed to be, Bill was."

Greely, who was born in Duluth, Minnesota, worked for the *Duluth News-Tribune*, *Printer's Ink*, *Television Age*, and *Madison Avenue* before joining *Variety*. He was legendary at *Variety*—and throughout the industry—for his toughness. "He tried for the hard ones," Brown said. "Let me tell you, he was lucky to be working on a 'reporters' paper,' because no place else would have used his talents as well, or perhaps let him get away with as much."

Greely had a playful fondness for the language: he coined countless words, among them "sitcom," and was indefatigable in his attempts to smuggle salty language, often in the guise of Yiddishisms, into his pieces. One eventually successful campaign Greely waged was to get Abel Green to update "hep" to a current "hip."

And he was an aces reporter, the kind who looks for trouble and often finds it. It was Greely who broke the WPIX-TV news-tampering story, which eventually led to that station's license being challenged. "When he brought it to me," Brown recalls, "he had all these charges. I asked him for substantiation. He said he had 'sources,' but wouldn't reveal them. Finally I got him to recheck, and we whittled the 11 or so charges down to six which we knew would hold. And ran it. It was an important story, let me tell you." Brown paused. "He was the kind of reporter who is often a pain to his editor. You had to tone his stuff down so it didn't look like we were going after them with a meat-axe. But I never had to spike one of his stories." He paused again. "The first time I found out who his sources were was at his wake."

In the early 1960s, in a display of his trademark, impolitic courage, Greely came across an embarrassing memo from American Airlines to its ad agency. The memo had little to do with Greely's television beat, and American Airlines was at the time one of *Variety's* most regular advertisers. Greely ran the memo. The paper lost an advertiser.

When CBS sent out a press release proudly announcing that it had landed Sears Roebuck's first television advertising, Greely wrote it up, adding that CBS had sold the merchant time on the *Garry Moore Show*, which was at that point running against *Bonanza*, the number-one-rated series. Sears dropped its advertising; Greely was barred from the CBS sales department. A week later Greely said in print some uncharitable things about Mike Dann, then CBS's chief of programming, and got himself barred from CBS entirely. Brown, his editor, was pressured by the network to pull Greely off the beat. "Fuck no," he recalls replying. For the next six months, very little news of CBS appeared in *Variety*. Then Greely was rotated to the NBC beat, "because NBC asked for him," Brown says. He denies the transfer was punitive. Michael Silver, associate director of press information at CBS, now says, "Without a doubt, Greely was one of the best journalists in America."

Larry Michie, who succeeded Brown as Greely's editor, calls him a "terrific writer. He'll be sorely missed. One of the things they never understood was that Bill loved TV. He just believed that they should be accountable for the stuff they put on the tube."

"If it matters," he adds, "Bill was also the very best drinking companion anyone ever had. A great friend, a terrific writer, and he loved TV."

—H.R.

Music Hall. The events in Czechoslovakia, in 1968, were summarized by the appearance of the name A. Dubcek in the "move" column, under the heading PRAGUE to MOSCOW.

Though it has no written editorial "line," the politics of *Variety* may, in some ways, have shifted a bit from the days when to advertise in it placed one on a producers' blacklist. The headline used to describe this July's Screen Actors Guild contract, for instance, read: PACT SCALPS PRODS. Though the story fairly reported the significant gains won by the Guild, the head suggests that the salient point is not that labor drove a hard bargain, but that management "lost." Theatrical and entertainment-industry unions, however, are quite reluctant to engage in trade-baiting. The executive secretary of one major theatrical union expressed, on the phone, much anger at both the *Reporter* and *Variety* coverage of a recent negotiation; he promised to send me a letter detailing his charges. Received instead was a note: "I decided that it would not be in the best interests of [the union] to send it for publication."

Syd Silverman denies either the pro-union bias of which his grandfather was accused or the anti-union bias with which some charge his publication. "Of course our reporters write it like they see it, and we give them that freedom to a large extent. In dealing with complex union issues, you have to assume that the guy who's been covering the story knows what he's talking about."

Likewise with women's and minority issues. Though *Variety's* coverage is by no means desultory—an American Film Institute grant to enable Dyan Cannon to direct receives prominent play, and Jim Brown's efforts to form his own production unit to improve the image of blacks in film is written up sympathetically—it is hard not to note that the publication employs no women or blacks on its full-time editorial staff. As recently as the 1960s, according to one staffer, *Variety* rejected a job application by a woman reporter on the grounds that staffers work late, that the theater district is often

unsafe in the wee hours, and that cabs are not always readily available.

Syd Silverman makes the point that *Variety* was among the first newspapers to abolish the Miss/Mrs. distinction. "We've always called female performers Miss. As in Miss Minelli." As opposed to Mrs. Haley? "Exactly. But when we started receiving complaints even about that, we dropped the 'Miss.' To us, she's Minelli now." As to the lack of women and minority representation on the staff, he maintains it's a matter of "finding a person with the right qualifications, someone with a solid background in the industry. A lot of the work here is unsupervised. You have to be a self-starter. So we'd rather take someone who knows the business, and teach them how to write, than to teach a reporter about the industry."

Silverman says he's "uncomfortable" with the proposition that *Variety* should maintain an adversary relationship with the industry. "We're a trade paper," he says. "Being an enemy of that trade is simply not our job." His attitude is in some ways an extension of that of his grandfather. In terms of how Sime lived, with whom he drank, the hours he kept, there was little distinction between the show biz world, which his paper covered, and the paper itself. Yet Sime was the man who perfected the legendary skill of jotting down notes on a pad with a pen while keeping both well within the confines of a bulky pocket, and considered the ability to read memos upside-down on an executive's desk a prerequisite to *Variety* employment. Abel Green vigorously defended the practice of printing unconfirmed rumors: "If you try to check," he said, "the company will undercut you by denying it, or sending it out as a press hand-out."

And this latter tradition, which has persisted though generations of *Variety* mugs, persists. If Redford & Winchester were around today, they'd still be lousy. *Variety* would say so. And the best of luck to them if they went to the advertising department to get their money back.

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M0787

WOMEN'S SUIT NEARS SHOWDOWN AT THE 'TIMES'

Class Action Prods Management To Improve Hiring Policies

From women's page to women's rage.

BY RICHARD POLLAK

One day last winter, Eileen Shanahan was sitting in her office at the Department of Health, Education and Welfare when she received two phone calls from her former employer, *The New York Times*. Did she know of any women, asked National Editor David Jones, capable of heading the paper's Los Angeles bureau? Did she know of any women, asked then-Assistant Foreign Editor Sydney Schanberg, who could handle an overseas assignment? Well, yes, she probably could come up with a name or three. But why the sudden interest, boys? Could it possibly have anything to do with a decision just handed down granting class-action status to the women's affirmative-action lawsuit at the *Times*? Jones preferred to pass on that one, but Schanberg sheepishly fessed up. You bet, he told Shanahan, allowing that the gentlemen of the *Times* were now in a positive tizzy over the necessity of hiring women.

And so they are—14 years after passage of the 1964 Civil Rights Act, 13 years after the paper claims to have established its own affirmative-action program for women (and minorities), five years after some 80 *Times* women petitioned Publisher Arthur Ochs Sulzberger, four years after filing charges of discrimination with the U.S. Equal Employment Opportunity Commission and the New York City Commission on Human Rights, and three years after suing the paper under Title VII of the Civil Rights Act.

Fifteen years, too, after then-Assistant Managing Editor (and ultimately Managing Editor) E. Clifton Daniel told Shanahan, upon hiring her, that he was glad she hungered for reporting because no woman would ever be an editor at *The New York Times*. (Charlotte Curtis became the queen-bee exception, about which more later.) Last spring, many insiders were convinced that after Al Marlen's died suddenly of a heart attack Betsy Wade Boylan would succeed him as editor of the Sunday "Week in Review" section. But that job went to one of Executive Editor A.M. Rosenthal's pals, Mitchell Levitas, apparently as a reward for performing so poorly as metropolitan editor that his third-floor staff was in near revolt when Rosenthal finally replaced him with Schanberg last May.

It can't have helped Boylan, head of the foreign copy desk, that she is one of the six original plaintiffs in the lawsuit. Or that, when Federal Judge Henry Werker ruled in favor of class action last February, she pasted a notice on the newsroom bulletin board announcing, "We won." The suit itself is far from won, of course, but Boylan and her colleagues have every reason to be exuberant in the wake of their

class-action victory. At considerable risk, and against heavy odds, they have forced one of the major "liberal" institutions in the land to begin recognizing women. Significantly, too, they did it without much help from the paper's two women stars: neither op-ed page editor Curtis nor architecture critic and editorial board member Ada Louise Huxtable actively supported their cause. Boylan *et al.*, in fact, are notable less for their varied talents than for their willingness to set careerism aside for the larger goal.*

In their suit, they ask for, among other things: 1) an injunction requiring the *Times* to establish goals for the promotion of women into higher and better paying jobs; 2) equal pay and benefits for equal work; and 3) monetary awards for salary lost because of discrimination dating back to 1969. They seek these gains not only for themselves, but for all women in the jurisdiction of the Newspaper Guild, plus assistants to ranking executives. The class-action notice went out to more than 500 women in all departments of the newspaper.

In trying to head off the class action, the *Times* argued that this "is a case where six highly paid women, who have been well treated by the *Times*, now assert, for some reason indeterminable from their [affidavits], that they have suffered discrimination because of their sex. But their claims, as can be readily seen, are totally devoid of substance and rationality." As evidence of this flight from reason, Joel C. Balsam, of Cahill Gordon & Reindel, the paper's outside counsel in this matter, cites the case of Grace Glueck.

In her affidavit, Glueck maintains she was relegated to the "women's job" of picture researcher for more than nine years before finally becoming a reporter. "In about 1956," she states, "when I asked Ted Bernstein, then assistant managing editor, about my promotional opportunities, he told me I would have to be as good as [reporter] Nan Robertson . . . because 'something special' was required of women before they could get ahead at the *Times*. Earlier, in 1952, when I first applied for a writing job with the Sunday magazine, Dan Schwarz, who was then assistant Sunday editor, responded to my request by suggesting that I really ought to get married." With riveting logic, Balsam argued that despite all those years it took Glueck to become a reporter, the claim is both "highly misleading and very much outdated inasmuch as plaintiff Glueck did, in fact, become a reporter in 1963."

Richard Pollak is a founder of MORE and was its first editor. With this issue, he rejoins the magazine as an associate editor.

*Besides Boylan, who joined the *Times* in 1956 and, as of March 31, 1976, was earning \$36,473.84 annually, the plaintiffs are: Louise Carini (1951), a benefits administration clerk in the general accounting office, \$20,759.44; Joan Cook (1959), a metropolitan news reporter, \$25,870.52; Nancy Davis (1972), a telephone solicitor in the classified advertising department, \$17,264.52 (plus a \$15-a-week bonus); and Grace Glueck (1952), a cultural news reporter, \$32,268.80. Shanahan (1962), who was an economics reporter in the Washington bureau earning \$33,583.68, became the seventh plaintiff in 1976 and remains one despite her departure last January to serve as press secretary to H. E. W. head Joseph Califano.

Illustration by Sue Coe



Even a layman's reading of the court papers thus far leaves one hard-pressed to disagree with the women's principal lawyer, Harriet Rabb. "The *Times*'s ultimate argument," she concluded in making her case for class action, "is that the named plaintiffs are 'highly-paid women, who have been well-treated by the *Times*'—as if to suggest that once a woman earns a salary of over \$17,000 she has no business complaining that her professional opportunities are less than her male counterparts because of her sex." (Skeptical, or merely interested, parties need not swallow my conclusions whole. The record is there for all to see at the Federal Courthouse in New York's Foley Square. Just go to Room G-22 and ask for docket number 74-CIV-4891, Judge Werker.)

In fairness to the defense, Rabb and her co-counsel—Howard Rubin and George Cooper of the Employment Civil Rights Project at Columbia University—occasionally stretch their arguments, too. At one point, Rubin compares Joan Cook's salary to that of Martin Arnold, who also joined the *Times* in 1959. In 1972, Arnold earned \$6,736 a year more than Cook, and two years later was making \$8,296 more. But, as the defense pointed out, Arnold was among the most valued members of the reporting staff and Cook, whatever her talents, was not. The project's lawyers also sometimes make much of a woman's years of service, lending some credence to Assistant Managing Editor Peter Millones' observation that "seniority seems to be a statistic of convenience for the plaintiffs."

But whatever points can be made against Boylan *et al.* as individuals, the final score is likely to reflect the larger pattern. As Federal Judge John R. Bartels ruled last year in granting class-action status to the women at *Newsday*, the Long Island daily: "Given such a broad-based attack and the broad support it receives from the other female employees at *Newsday*, we conclude that the common questions of law or fact far outweigh any individual questions which might

affect each class member differently. To adopt defendant's argument in this case, i.e. that the case is nothing more than a collection of highly individualized claims, would nullify class actions under Title VII suits—a result clearly violating the Congressional intent." A like position was adopted by Federal Judge Lloyd E. McMahon last year in granting class-action status to the women at NBC (a case settled out of court for \$2 million just before the trial was to begin). Judge Werker did not spell out his reasons for granting class action in the *Times* suit, but, given the similarity of the three cases, his views are unlikely to differ much from those of his fellow judges.

In January, 1973, Publisher Sulzberger sent out a memorandum reminding everyone that in 1969 he had urged the hiring of minorities and women. "I wish now to state," it read, "that women must be treated as well as men at every level of the *Times*." And in March, 1974, Senior Vice President John Mortimer, in an abstract of the paper's affirmative-action program sent to all department heads, reiterated the position, maintaining that "all available company resources are being mobilized for a good faith effort" to end discrimination. Yet, arithmetically, it is difficult to calculate much sympathy for the *Times*'s employment record up until late that year when the women finally went to court.

Of employees participating in the Guild pension plan in 1968, for example, the annual salary gap between males and females averaged \$3,800. By 1974, the difference had grown to \$4,870. In 1971, only 13 per cent of the employees in the news department in New York were women, almost half of them in the lowest-paid positions. These are plaintiffs' figures and the *Times* disputes some of them. More important, says *Times* spokesman Elliot Sanger, Jr., after checking with the legal department, the statistics are out-of-date. According to Sanger, the picture has changed dramatically. In 1974, women made up 22 per cent of the overall news operation, and more than half of them

occupied top-salaried positions. By last May, the figure had risen to 31 per cent—231 women out of a 739-person editorial staff at home and abroad. Again, according to Sanger, about half these women command salaries in the upper reaches.

Whatever the numbers, the paper has undeniably made considerable progress in recent months—particularly in recruiting reporters. Many more female bylines grace its pages these days; among just a few: Molly Ivins, a

metropolitan reporter, formerly a co-editor of *The Texas Observer*; Judith Miller, hired away from *The Progressive* and National Public Radio to cover the Securities and Exchange Commission and banking; Ann Crittenden, a former *Newsweek* staffer who has emerged as one of the better reporters on the financial pages; Jo Thomas, who left the *Detroit Free Press* to join the *Times*'s Washington investigative reporting team; and Janet Maslin, who came over from *Newsweek* to

be the paper's second-string movie critic behind Vincent Canby.

Veteran reporter Lawrence Van Gelder hankered for that last assignment and many insiders think he was passed over for Maslin simply because of his sex, so great is the pressure of the lawsuit. The seven plaintiffs are reluctant to talk about the impact of their action thus far, but several other women who have benefited from it spoke almost eagerly (albeit not for attribu-

tion). "There's no question," says one, "women are riding high at the moment." What's the atmosphere like at the paper? "It's terrific! Marvelous," says another newcomer. "It's one of the least chauvinistic places I've ever worked. I'm really not even aware that I'm a 'woman' at the *Times*."

For all the tardy gains, however, considerable imbalance remains—especially in the prestige reporting posts. The *Times* maintains 31 full-time

SEXISM SCORECARD

In March, 1970, *Newsweek* assigned a cover story on the women's liberation movement to a non-staff writer, Helen Dudar, the wife of one of the magazine's senior editors. That slap in the face led women at *Newsweek* to assess their lack of progress up the editorial ladder. They found that most of them were stuck in the "research" ghetto and that only one female writer was to be found among 51 men. They organized a women's committee, hired a lawyer, filed complaints with the Equal Employment Opportunity Commission, and negotiated an affirmative-action settlement that has significantly improved the position of women at the magazine.

Since that pioneering effort, similar suits have been settled at Time, Inc. and NBC, and legal skirmishing continues at *The New York Times*, *The Reader's Digest*, and *Newsday*. Sex discrimination complaints have also been filed against papers which vary in size from the *Cleveland Plain Dealer* and the *St. Louis Post-Dispatch* to *The Bakersfield Californian* and the *Woodbridge (N.J.) News Tribune*. The American Newspaper Guild reports that some 40 complaints (including actions that have gone to arbitration) have been filed.

At the very least, these actions have raised the consciousness of women journalists and have strengthened women's ties within the media. The complaints have also convinced male management at most of the media involved to improve conditions for women—at least for those not filing complaints. The fruits of negotiation in the major sex discrimination cases are as follows:

- *Newsweek*. In a quick response to the first complaint in 1970, management agreed to establish a training program for women, integrate research jobs by hiring more men, and devise a more equitable system of try-outs for reporting jobs. In 1972, under revised rulings affecting all Federal contract holders, the women pressed for specific goals and timetables in hiring and promotion. The next year *Newsweek* agreed that one-third of all writers and domestic reporters would be women by the end of 1974, and that by the end of 1975 the same would be true for foreign correspondents. Both sides say these goals have been substantially met.

- *NBC*. The out-of-court settlement agreed upon August 31 is probably the most significant to date. The network agreed to promote women to 15 per cent of the managerial jobs at the level just below vice president by 1981. NBC also agreed to set up a \$3-million fund to provide merit pay for those promoted or given job reclassifications. According to attorney Janice Goodman, women will fill 33 to 45 per cent of future vacancies in such jobs as television assistant (which includes camera operators), news writer, and news assistant. Back pay will go to individual plaintiffs and 2,700 women included in the class action.

- *Time, Inc.* Eager to avoid a public hearing before the New York State Division of Human Rights, the company announced an agreement in February, 1971, less than a year after the complaint was made. The settlement was rather general in nature (all job categories to be open to all qualified candidates without regard to sex), and it varied in particulars from magazine to magazine within the Time family. Marion Buhagiar, a former *Fortune* editor who was one of the principal organizers of the suit, now calls the settlement "mediocre." At *People*, she says, "The editor was less afflicted by sexism than many others and women were given a chance there. At *Fortune*, things became a little easier for women already there, but it remained essentially closed to women from the outside. At *Time*, some women were promoted and others were hired from outside. It's a little better than it was, but that's because it was so terrible to start with. At *Sports Illustrated*, things have been fairly good for women despite the jock atmosphere." One measure of continuing discontent at *Time* is that during 1976 contract negotiations, women pressed for and won a management commitment to hire specific numbers of women.

- *Newsday*. In September, 1976, 10,000 women (including all those who had applied for jobs) were certified as the class in the *Newsday* action—eight per cent of the total number of women working on American newspapers. The action was filed in 1975, and little progress has been made on the usual issues of hiring, promotion, and salary. Plaintiff Marilyn Goldstein, an editor on *Newsday*'s Sunday magazine, says management hired more women in editorial positions after the suit was filed. But, she adds, "There is still only one woman's name on the masthead, not counting [Publisher] Alicia Patterson, out of a total of 32 names."

- *The Reader's Digest*. More than 3,000 women from every division of the company constitute the class in this action. Management had contended that the complaint represented the feelings of only a small, discontented group. Little progress has been made. Unless a last-minute settlement is negotiated, the *Reader's Digest* suit will be the first to go to trial. A date is set for October 18.

Other major women's suits might well be filed. ABC is one possible target. One ABC woman, who preferred to remain anonymous, says her group is concerned about the appointment of Roone Arledge to head the news division. While he was head of sports, she says, Arledge had only one woman producer, one associate producer, and one associate director in a department of 90 people. "We have a great fear that Arledge's miserable record in sports will now drift over into news," she says. If it does, Arledge could have more problems than trying to keep Harry Reasoner happy.

—Joanna Martin

foreign correspondents in 22 bureaus; only three of them are women: Flora Lewis (Paris), Marvin Howe (Lisbon), and Kathleen Teltsch (United Nations). There are no women political columnists. And, at a time when women are bounding all over the playing fields of the world, the sports department remains virtually an all-male preserve. Of the 35-person Washington bureau, five are women (none of them editors). And only one of the paper's 25 regional correspondents is a woman, Molly Ivins having replaced Grace Lichtenstein as Denver bureau chief.

Under pressure from the lawsuit, the *Times* also has moved to hire several women editors in recent months. For the most part, however, they have been relegated to the housekeeping departments. The new *New York Times* is preoccupied these days with offering its readers "a lot more than the news"—primarily investigations into the role of the dill pickle in post-industrial society and assorted other panderings to the affluent among us. Much of this rich and heady fare is brought to us in the "Living" section on Wednesdays and the "Home" section on Thursdays. Annette Grant, formerly of *Seventeen*, edits "Living"; Nancy Newhouse, late of *New York*, edits "Home." To take over the daily domestic duties long handled by Charlotte Curtis and her successor, Joan Whitman, the paper brought in Michaela Williams from *Esquire*. For all their presumed expertise in the art of living, decor, and other feminine concerns, all three report to a man—Assistant Managing Editor

James Greenfield—whose background is almost exclusively political.

Like most injustice, sexism boils down to the haves vs. the have-nots. And the closer one gets to positions of control at the *Times*, the tighter the men's grip. Women hold almost no positions of real power in the editorial hierarchy, Charlotte Curtis being the most visible exception. As editor of the op-ed page she oversees a domain of considerable importance and some influence. But the page is an eddy outside the mainstream of editorial decision-making; Curtis' title of associate editor—the only woman among 12 editors listed on the masthead atop the editorial page—signifies recognition but little clout. (The 18-person corporate masthead at the bottom of the page is—from Chairman Sulzberger down to Vice President Arnold Zohn—all male.) There are other women editors at the paper, among them Dorothy Seiberling, deputy editor of the Sunday magazine; Barbara Crossette, an assistant news editor; Charlotte Evans, assistant metropolitan editor in charge of suburban coverage; and Nora Kerr, who edits the Westchester County section.

And, until last summer, when she quit in part over a salary dispute and in part because she wanted to return to writing, Marilyn Bender edited the Sunday financial pages. For all this, however, the haves remain very much on top.

Despite the class-action victory, the case may still have a long way to go. Discovery proceedings are underway, then come depositions, and, finally, a trial—all of

New York Times



Molly Ivins (left), the *Times*'s only woman regional correspondent, and Betsy Wade Boylan, one of the original plaintiffs in the women's suit.



'FOREMOTHER' RABB

Behind the push to improve employment conditions for women in the media is a 35-year-old lawyer from Houston named Harriet Rabb. Only 11 years out of Columbia Law School, Rabb is considered the "foremother" of media sex discrimination suits. She has become thoroughly identified with the cause, in much the same way lawyer Marvin Miller has come to represent baseball's free agents. Already her colleagues settle tactical disputes by saying, "Harriet handles it this way."



Harriet Rabb

A decade ago Rabb worked with attorney William Kunstler and represented such clients as Rap Brown, Jerry Rubin, and SDS. Her willingness to take on difficult but important cases which offered little financial compensation led her, in the early 1970s, to the women at *Newsweek*, who were in the midst of their pioneering discrimination suit. "Many woman lawyers wouldn't touch us," says *Newsweek* activist Phyllis Malamud. "What constituted discrimination in our area seemed so subjective." Rabb's success at *Newsweek* in 1973, and her rapport with the women, led to her present work representing women at *The New York Times* and *The Reader's Digest*.

Not only are sex discrimination cases long and expensive with limited prospects for success, says Rabb, but they require her to confront judges who hold peculiar notions about the media. Many believe that top media jobs are more demanding of specialized skills than jobs in other businesses; they assume that women are absent from such jobs not because of discrimination, but because they simply aren't qualified.

Rabb, who is admired for her ability to deal tactfully with the prejudices of powerful men, agrees that a Seymour Hersh cannot be easily replaced by another reporter. But, she argues, it is a statistical improbability that no women could hold that sort of job. If few or no women have ever been given jobs at that level, she must convince a judge that that constitutes discrimination.

In this treacherous legal thicket, Rabb has succeeded with her qualities of understanding and good humor. She can sympathize with a judge who at first fails to see how her clients have suffered discrimination. "He just wasn't yet enlightened," she says, "but later he showed he was prepared to become enlightened." Her work so impressed her opponent at *Newsweek*, lawyer Joseph Califano (who later admitted that the negotiations made him more of an advocate of affirmative-action programs), that he offered her a job at HEW when he joined the Carter administration. She turned it down to stay at Columbia where she is an assistant dean, teaches a course on discrimination, and co-directs the Employment Rights Project. The group has won victories for women in middle management at New York Telephone and for female lawyers in a Wall Street firm.

How much progress have women made with these suits? "Media managers have been made aware of their female employees' concerns in a direct and dramatic way," says Rabb, offering a typical, clear-eyed assessment, "but so far the changes have been largely cosmetic. Women have not been cut in on the big money and the decision-making processes. They won't reach real positions of power for at least ten years." —Joanna Martin

which could take months. Rabb, who has been through this kind of war before with the *Newsweek* women's suit, seems infinitely patient. With other feminist lawyers in similar suits, she seeks to develop a line of cases that makes subjective quantification possible. This is no easy trick in journalism, where job qualifications are not so neatly defined as on the assembly line. Traditionally, what makes a good reporter is largely in the eye of the executive editor. But measurements do exist, and Rabb hopes to establish them through affidavits and testimony.

During Shanahan's 14 years at the *Times*, for example, she received 15 publisher's awards, monetary recognition the paper bestows for a particularly noteworthy article or series. Only three reporters in the Washington bureau had received more awards: Edwin Dale (17), R.W. Apple (17), and E.W. Kenworthy (16)—and Dale and Kenworthy were hired seven and 12 years before Shanahan, respectively. Yet, for all her awards, Shanahan ranked nineteenth in salary when she left the bureau for HEW. All those getting more money were men, including eight hired after she was—from Apple (1963), who made \$12,334 more a year, to Walter Rugaber (1965), who earned \$52 more annually.

Given the weight of history, justice, and arithmetic on the side of the women, plus the genuine sincerity of many *Times* men's efforts to help redress their grievances, it is difficult to fathom why the paper hasn't moved to settle the case—as did NBC and *Newsweek*. Wilma Soss finds that hard to understand, too. Soss's main occupation in life is attending stockholders' meetings, and she was very much in evidence last April when *Times* shareholders gathered at Town Hall in New York.

"How much did the *Times* pay for outside legal counsel last year?" she asked Chairman Sulzberger. He deferred to Executive Vice President James C. Goodale, the paper's top lawyer. About \$550,000, Goodale said.

"And how much of that figure was spent defending the women's suit?" Soss asked. Goodale said

he had no breakdown, but Soss was undeterred. Turning toward three of the women on the paper's board of directors, she said:

"It seems to me that when we have women on the board they ought to take an active part in heading off these suits."

The three women were Sulzberger's sisters—Dr. Judith Levinson, a non-practicing physician; Marian S. Heiskell, director of special activities at the *Times*, and Ruth Holmberg, publisher of the *Chattanooga Times*. They didn't respond to Soss's rather deft thrust. I failed to reach Dr. Levinson, but, when I reiterated Soss's point to Heiskell and Holmberg, they insisted on remaining mum because the case was still in litigation. (For the record, men hold almost all the key jobs at the *Chattanooga Times*, and the paper runs no affirmative-

action program.)

According to Goodale, the *Times* so far has spent relatively little on outside counsel to defend the women's suit. But if the case drags on, the costs could run well into six figures. And it will take up hours of valuable editorial time for depositions and testimony. Moreover, a protracted legal struggle can only exacerbate the already tense relations between the plaintiffs and the paper's management. Why not try to reach a settlement?

"Why should we?" says Goodale. "We think we've got a good case, one we're going to win. Besides, we think we've been pretty good guys. Since we established our affirmative-action regulations, we've been conscientious as hell in trying to hire all classes of people, including women. It's not always easy to find good women, but we're try-

ing. We have to tap the great wealth of female intelligence in New York. I think there are more intelligent women in New York than anywhere else in the world."

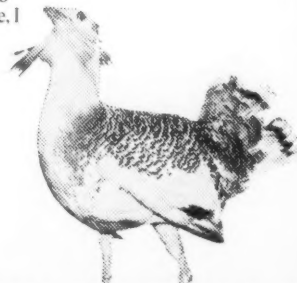
One of them is Katharine P. Darrow—or at least she talks like one. Darrow is an assistant general counsel at the *Times* who doesn't take the tough line of her boss, Goodale. "I wouldn't say we are not trying to reach a settlement. We tried about a year ago, but the other side wouldn't offer terms. Now the climate doesn't seem right. But as we get closer to trial, I think both sides will be more interested in a settlement." Her adversary, Rabb, sounds equally intelligent. "None of these Title VII cases should ever go to trial. They should all be settled. At the end of this year, if there aren't serious settlement discussions, all the lawyers have failed."

Encounter austria

I was the rarest bird in Burgenland

There I was, the only bird without wings at the Andau Great Bustard Sanctuary, face to face with one of the rarest, shyest creatures in the world. We got along famously. He even agreed to pose for some snapshots. Austria has no less than twelve wildlife preserves and deer parks, four zoological gardens and four magnificent bird sanctuaries. It's paradise for nature lovers. And the birds and beasts go out of their way to take pity on birds like me who need jet engines to soar. Next, for a change of pace, I migrated to Vienna. That's

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ENGLAND BOOTS A U.S. REPORTER

Article On Electronic Intelligence Led To Unusual Deportation

British co-author of spy expose arrested and jailed.

BY MARK HOSENBALL

With all the might of Britain's legendary intelligence services backing them up, the police should have been better informed. I had already gone off to work when they arrived at my home in North London last November 16. Life on the *London Evening Standard*, like life on evening newspapers around the world, begins early in the morning. By 7 a.m., most of the *Standard's* 16 general reporters are in the paper's gothically antiquated newsroom or on the streets; there is just an hour to the first-edition deadline. I had left home at 6:15, as had been my normal practice since joining the *Evening Standard* five months earlier. Her Majesty's not-so-swift messengers did not arrive for another two hours.

On November 16, 1976, the biggest story in Britain's morning papers was a charge, by a publicity-seeking Tory MP named Sproat, that there were at least 13 crypto-communists in the Labour Party's parliamentary contingent. This was not the most original allegation of all time. And the morning papers offered no names. But the story had not been played for a few months, and Sproat was at the time a media favorite for his frequent and virulent attacks on welfare "scroungers." As there was little other news on the morning of November 16, the *Evening Standard*, a paper which usually took the Right point of view on such matters anyway, decided to examine in detail Sproat's declaration. Several reporters, including myself, were assigned by news editor Stuart Kuttner to seek out this Sproat and get him to name the terrible thirteen. Having previously worked on a leftish London weekly, *Time Out* magazine, and having occasionally used *Time Out* sources for stories for the *Standard*, it was thought I might be particularly useful in the chase.

When Sproat was eventually located, he was only too willing to come forward with the names of his dirty baker's dozen. I was deputed to contact several on the list whom I personally knew to ask for their reactions. Without reactions, the *Standard* could not name names, for to do so without rebuttal would constitute gross libel. I was about halfway through my list—having successfully coerced a few outraged howls from my pinko friends—when I received the call from my landlady. Two policemen, she said, had just been round the house looking for me. They were from the "deportation branch," and wanted to deliver a letter to me "regarding my continued stay in the country."

Stuart Kuttner, the news editor, was surprised, but not overly alarmed, when I told him the police were after me. I said I didn't know

what it was about. Maybe unpaid parking tickets. Or the fact that I had recently moved and neglected to inform the police of my new address. This was a requirement for all foreigners living in Britain, and the threatened penalties for failure were high. Stuart dashed off to consult the paper's lawyer. There was always a lawyer on hand to read copy for libel, and he had a special cubicle in a corner of the newsroom. Stuart later told me that one of his earliest surmises, in talking to the lawyer, was that the government wanted me out because I was in some way "subversive."

After 45 minutes of agitated, but unanswered, phone calls to a number the police had given my landlady, I managed to reach the main immigration inquiry desk at the Home Office, Britain's Interior Ministry. I gave them my name and birthdate, and they promised to find out what was going on. A couple of minutes passed, and the woman came back on the line to say I should wait until I saw the police. I asked for further information. What was going on—was I being deported or something? The woman vanished for another couple of minutes. When she returned she said yes, I was being deported. When I asked why, she told me to wait until the police arrived; all would be explained in the letter they had been given to deliver to me.

At 10:30 a.m., two plainclothesmen belatedly arrived at the *Evening Standard*. They were shown into the lawyer's cubicle. I felt this venue would be more intimidating for them. They pulled out an official Home Office envelope, addressed to me at my new address, of which they had not officially been notified. The letter, two sheets of official note paper, explained that my continued presence in Britain was "not conducive to the public good as being in the interests of National Security" and therefore the government wished me to get out. The Home Secretary, the letter said, had considered information that "while resident in the United Kingdom, in consort with others, you sought to obtain and obtained for publication information harmful to the security of the United Kingdom and that this information included information prejudicial to the safety of servants of the Crown." The letter added that I had no legal right to contest the Home Secretary's decision, but, if I desired, I could make "representations" to a three-man advisory panel, appointed by the Home Secretary to study such cases. I had 14 days, the letter said, to either decide to take up this offer or vanish from British shores, indefinitely.

My first reaction was to dance about the lawyer's tiny cubicle screaming "Political, Political." The news editor said "Shut up." The cops were ushered out. There followed an intense round of high-level *Evening Standard* conferences, first between the news editor and the distinguished, but rather magisterial, editor, Charles Wintour, then the editor and his deputy, then the deputy, the editor, and me. They asked me what I had done. I said I hadn't a clue, except that while at *Time Out* magazine I had written a few stories about the CIA and British Intelligence, to which nobody took exception at the time they

Mark Hosenball is an American reporter who first went to England in 1969. He worked for Time Out and the London Evening Standard before being deported in May of this year. He is currently the Trenton correspondent for The Dispatch of Union City, New Jersey, and continues to write for the British press.

appeared. They asked whether I wanted to fight and whether I wanted the *Evening Standard's* backing. I said yes to both questions. They said they had to consider the matter, but that on the face of it my work for the *Evening Standard* was entirely satisfactory as far as they were concerned and I should not be victimized for something done in the past. They said they would try to find out a bit more of the government's rationale for wanting, all of a sudden, to throw me out of the country.

By one o'clock, I was again in Wintour's office. He informed me he couldn't find out anything more about the government's reasoning. He therefore felt its actions were an outrage and offered the paper's full backing. The paper's 3:30 edition carried the banner headline: AMERICAN REPORTER ORDERED OUT. I held a press conference at 5:30. The next day's paper included a vigorous editorial defending and complimenting me and attacking the government. Thus I began six months of fame and notoriety as British Intelligence's Public Enemy No. 1—or maybe 1½.

Her Majesty's Secret Service

Britain's Intelligence Services are like Britain's "constitution"—they don't exist on paper. Britain has a tradition of government spying going back at least to Elizabeth I, and an even greater heritage of espionage legend and lore. But when it comes to journalists trying to find out the reality of Britain's modern espionage establishment, the obstacles are immense. For a start, the country's intelligence agencies have never been established in law, and so there is no official acknowledgement of their presence. Like other spy agencies, their budgets are concealed in those of other government departments. And so discreet is their tradition that government ministers, when asked in Parliament even the most innocuous questions about their functions, give the standard reply: "If I were to answer any questions about the secret services then they wouldn't be secret any more."

Like the United States, Britain has two major intelligence agencies—one for the collection of foreign intelligence (and possibly covert operations abroad), the other for spy-catching and "anti-subversion" work at home. Both modern agencies grew out of military intelligence organizations set up in World War I, and both are consequently referred to by the code names MI-5 and MI-6. The foreign intelligence service, MI-6, is sometimes called the Secret Service or the Secret Intelligence Service (SIS). The domestic counterintelligence service, MI-5, is also referred to as the Security Service (in Civil Service circles it is usually called "Box 500," its Whitehall mailing address).

The locations of both agencies' headquarters are officially secret, though newspaper reports have repeatedly identified them as, for MI-6, Century House, a skyscraper not far from Parliament Square, and, for MI-5, Curzon Street and Leconfield Houses, two apartment-like buildings near Hyde Park which feature steel doors, completely blinded windows, and machine gun emplacements on their second-floor balconies. The names of the directors of both agencies are also officially secret, though they, too, have been published in the British press—but only after initial exposure abroad.

These agencies' first line of defense, when it comes to the exposure of even the merest of their secrets, is a voluntary agreement between newspaper editors and the government called the D-Notice system. Under this system, the Defense Ministry issues to editors a set of general and sweeping guidelines on what not to print in the interests of national security. In the case of the intelligence services, editors are advised not even to acknowledge their existence, if possible, and certainly not to print any details about their location, operations, or personnel, unless such information is printed abroad first.

If these restrictions are not sufficient deterrent to most journalists—whose editors would not print an intelligence story if they were given it—there is the Official Secrets Act, a law dating back to a Red Scare in

Mike Wells/Camera Press



Duncan Campbell: Faces 14 years under the dread Official Secrets Act.

1911. This law sets 14-year penalties for anyone who "obtains" information "which might be of use to an enemy," and two years for anyone who "receives" official information without express government authorization. The "receiving" penalties apply to any government information, from nuclear codes to the number of tea-cups in the Ministry of Refreshment.

Time Out

I got into the investigation of Britain's intelligence agencies almost by accident. While on a trip to Washington, D.C., in 1974, I picked up a copy of a *Washington Monthly* article about spotting CIA men. When I showed this to some of the people at *Time Out* magazine, where I then worked as a reporter, they suggested that the *Washington Monthly* method could be used on CIA men in London. With the aid of former CIA man Philip Agee, who appeared conveniently on the London scene about this time, *Time Out* duly exposed CIA men at the American Embassy in London. This game was rather simple, however, and quickly grew boring. I was more interested in stories of real substance about what the CIA might be doing in London.

Time Out subsequently exposed a CIA propaganda operation in London called Forum World Features. Later, through the aid of

several reams of xeroxed documents which appeared in the magazine's letterbox, we linked this front to a right-wing research organization, The Institute for the Study of Conflict, which itself appeared to have close ties to the British Intelligence establishment.

Through all this, the intelligence agencies, and even some of the more distinguished front men whom *Time Out* exposed, remained passive, if not downright indulgent. The head of Forum World Features and the conflict institute was a writer named Brian Crozier, who wrote to *Time Out* asking for the original artwork of a cartoon which accompanied one of the stories. After the CIA exposures, *Time Out* published stories on possible changes at the top of MI-6 and on the role of British intelligence in student movements in Britain in the 1960s. A book by a former *Time Out* staffer was also published; it was the first "unauthorized" attempt to examine the secret history and organization of the British intelligence services.

Then, in February 1976, Winslow Peck, a former analyst with the National Security Agency, came to town. Peck told *Time Out* of extensive cooperation between NSA and its British counterpart, Government Communications Headquarters. To develop the British part of the story, I called on Duncan Campbell, a freelance technical journalist. As an Oxford student three years earlier, Campbell had gained notoriety as Britain's first convicted "phone phreak."

Like intelligence analysts—and some investigative journalists—around the world, Campbell had a penchant for collecting masses of irrelevant detail, which his scientific background enabled him to organize into useful background material. At the time of Peck's visit, Campbell had already collected an impressive dossier on the super-secretive British Communications Headquarters. His sources were mainly government recruiting ads, defense equipment catalogues, and newspaper clippings. Peck's visit gave *Time Out* a peg for a story on electronic spying, and Campbell a market for

his hitherto academic material. He went to his friends in the communications industry, to Government press officers, and to Wide World



Home Secretary Merlyn Rees: The decision was in his hands.

authors of books on communications intelligence. To illustrate our story, Campbell also assembled a map roughly locating about 20 electronic intelligence bases in Britain and Northern Ireland. Most of these were obscurely listed in local telephone books, which Campbell assiduously combed for the purpose. Our article, headlined "The Eavesdroppers," appeared in *Time Out* in May, 1976, under our joint byline, though Campbell had done much of the research and most of the writing himself. I remember, a couple of days after it appeared, dancing round the *Time Out* editor's office, explaining with some glee that we had printed the first relatively comprehensive feature about electronic spying by the British government without obtaining a single secret document, and thus avoiding possible prosecution under the notorious Official Secrets Act.

The reaction to the article did not come immediately; when it did it was muted. But, for the first time, the British government seemed to be demonstrably annoyed about one of *Time Out*'s long run of spy stories. The first sign came when Winslow Peck tried to get into Britain in June, a couple of weeks after "The Eavesdroppers" appeared with his quotes and picture. The airport

authorities turned him back without explanation. Subsequently, Campbell informed me that another source for our article, someone in private industry, had been visited by British "security" officers and warned to avoid Campbell "like the plague" if he wanted to keep his security clearance. But there was no direct approach by any official agency to me, Campbell, or the *Time Out* management indicating the slightest displeasure with any of the magazine's articles.

Time Out's rather quixotic assault on the intelligence agencies slowed down considerably after I left the magazine in July to join the *Evening Standard*. At the *Standard*, I was put on to far more conventional fare—magicians' conventions, local government, plane crashes—though I was encouraged to maintain and use my *Time Out* contacts. I also introduced some of the *Time Out* people to the *Evening Standard*, including Duncan Campbell, who I considered the brightest young science writer I had ever met. There were no intelligence stories for the *Standard*, however. Occasionally a *Time Out* friend would ring me up with a tip. But either the editors weren't interested or I was—willfully—too busy on something else. It was a relief, in a way, no longer to be surrounded by the paranoia spy stories tend to generate.

A Hint Of Espionage

The reaction, once the *Evening Standard* and I had decided to go all out to fight the deportation notice, was swift and seemingly strong. Within hours of the first *Standard* story about me, members of Parliament were ringing Charles Wintour, the editor, and asking if they could help. The *Guardian* and the *Mirror*, two liberal papers, came out with editorials immediately attacking the government, particularly on the grounds that I was not to be afforded a proper appeal. The *Daily Express*, normally reactionary, but with a tradition of aggressive, if sometimes sympathetic, reporting on the intelligence services, called the

government's allegation against me hogwash and meaningless nonsense.

By the end of day two, however, it was widely known that another American, former CIA man Philip Agee, had been served with a deportation notice similar to mine. His went further, however, in that it alleged that he had "maintained regular contacts with foreign intelligence agencies." This hint of espionage—though it was no more detailed than the "obtaining information" allegation against me—and the simultaneous announcement of the two deportations were enough to cool the outrage against my threatened expulsion in more conservative quarters like the *London Times*. It took the view that while the procedure being used to eject Agee and myself was rather unfair, the government was "probably right" in its judgement against us. There was a significant dispute at the *Times* over this editorial position. Some of the reporters I knew told me they felt almost as threatened by the government's action against me as I did.

In any case, I was yoked for the duration with Agee, whom I knew, but not very well; who I knew had little information of current value to investigations of CIA or British intelligence activities, and therefore rarely used as a source; and whom I had not seen for some six months at the time the expulsion order was delivered. As a result, I decided, with my lawyers and backers at the *Evening Standard*, that it would be better for me to fight the expulsion on my own, rather than in any joint campaign with Agee.

When the deportation notice arrived, it said I had only 14 days to decide whether I wanted to avail myself of the limited appeal opportunity offered—a hearing before "three wise men," former civil servants hand-picked by the Home Office for the job. The implication was that the "hearing" would take place shortly after that two-week period expired. Two weeks is not an awful lot of time to write and develop one's complete life history—for a blanket, comprehensive defense was the only



defense to charges which were not specified. I had to try to remember everything I had ever done in investigating intelligence agencies—every meeting, every phone call, every trip to the library. We pleaded for more preparation time through the solid core of Parliamentary supporters who had gathered round the cause.

My father, an American civil servant with the Space Administration, came to London and arranged through the otherwise disinterested American Embassy for he and I to meet Robert Morris, an aide to the Home Secretary. We went to the Home Office, an elegant Victorian building near 10 Downing Street. We were ushered into a tiny room with a couple of desks, where Morris and a second, unexpected official waited. The second man was introduced, without name, as being from "the Immigration Department."

My father and I explained that we could not understand why the government wanted to get rid of me. The two bureaucrats took copious notes, but asked no questions and offered no reactions to what was being said. My father and I said, in unison, on exiting the building, "The other one was a security man." Needless to say, we were never officially told. But the *Sunday Telegraph*, a newspaper with allegedly good intelligence sources, printed a story a couple of weeks later relating the fact of our meeting with a Home Office official and a senior man from MI-5. The *Sunday Telegraph* also predicted—incorrectly—that the Home Office would withdraw the expulsion threat against me.

In any case, we got our extra preparation time. The Wise Men hearings were set for early January.

I settled into a regular daily routine. I would go to the *Standard* at 7 a.m. as normal, work until about 2 in the afternoon, then spend from 3 to 8 in the evening with Denis Muirhead, my lawyer, whom the *Evening Standard* was paying. With a shelf full of *Time Out* magazines, we went through the background of every story I ever wrote in England. By Christmas, my statement was more than 200-pages long.

UPI



For American journalist Mark Hosenball, the news wasn't good.

The Three Wise Men

The hearings began the second week in January. They were in the ladies dining room of an old Army-Navy Club near Trafalgar. Only witnesses and lawyers were allowed in the building, which was secured by an army of middle-aged ladies dressed in grey government messengers' smocks. Agee's hearing came first. He gave press conferences at lunchtime and dinner time, releasing, he said, the full text of his evidence to the otherwise secretive "panel."

The proceedings quickly took on an air of farce. On the first day, Agee took a tape recorder into the hearing. The Wise Men asked him to turn it off. Agee said at his first press conference that there was nothing to play anyhow since he had pressed the wrong button. A journalist asked him whether they taught him to operate tape recorders in the CIA. The Agee hearings became a circus. Members of Parliament told the Wise Men they were committing an injustice, then rushed down the road to an art gallery to tell the press what they had told the panel. Throughout the show, Agee said the Wise Men had given him no clue to specific evi-

dence against him.

Seeking to differentiate myself from Agee, my "team" decided to impose a press blackout on my hearings, which began a week later. We also decided to use a different strategy inside the hearing room: supporting witnesses would testify first, then me. As witnesses, we had what we thought was an impressive lineup: a Member of Parliament who was a personal friend and knew me for more than two years; Bruce Page, Britain's top investigative reporter; Charles Wintour and Simon Jenkins, respectively former and current *Evening Standard* editors (the former having become managing director of the even more powerful *Daily Express*). We also brought along Desmond Browne, a young barrister who had examined all *Time Out* articles for possible official secrets violations before publication, and Duncan Campbell, co-author of "The Eavesdroppers" article.

The hearing room was eerie. We were escorted in by a man named Bailey, kindly looking, with a bald head and sideburns like Mr. Pickwick. The Wise Men sat along a blue-covered table near one wall, and we sat at a facing table about six feet away. There was a woman at a small table at the side of the room whose only apparent function was

to pass occasional documents between the two sides. At the corner of the room was a stand-up filing cabinet, with a combination lock, and a red "closed" sign. Ashtrays were liberally dotted around the tables, but when I lit a cigarette after first walking into the room, the chief Wise Man, a former intelligence officer and lawyer named Sir Derek Hilton, snapped that there was no smoking. Throughout the proceedings I sucked on a pen. One of the Wise Men, a former Home Office civil servant named Sir Clifford Jarrett, fidgeted constantly with his pipe. Since retirement from government service, he had been chairman of the Tobacco Research Council.

Throughout the first six witnesses or so, the Wise Men sat stony faced and said nothing. Then Duncan Campbell was called in. He began explaining that virtually all the information contained in "The Eavesdroppers" could be tied to an "open" source—a newspaper clipping or government catalogue. The Wise Men suddenly came alive and began cross-examining him on the sources. Could this paragraph really have come from a government press officer? What was his name? What precisely did he tell you? Did you ask about more than he told you? When did the conversation take place? Did you

make it clear to him what your article was going to be about? What about the map? You couldn't have gotten that from "open" sources? Were the points really in the phone book? Which phone book?

Campbell, being scientific and well organized, had prepared himself with several reams of his actual source material. When the Wise Men asked about his conversations with press officers, he told them the name, the date, the telephone number and even read the notes he took. He produced an article published in *Ramparts* magazine which went into great detail about relations with the British government. The Wise Men were incredulous. Was this really published openly?

Campbell had a plausible and innocent answer to every question. After an hour, the Wise Men gave up questioning him. Clearly they were trying to get an admission that Campbell and I had obtained secret information.

Next came Desmond Browne, the *Time Out* lawyer. They gave him similar treatment. They asked him to explain how, if he read *Time Out* articles for official secrets violations, he could possibly have allowed "The Eavesdroppers" to be published. Browne gave his interpretation of the law, and said he saw nothing wrong with the article. The Wise Men were not satisfied. What about this paragraph on Army detonation of IRA bombs? Browne said he could see nothing wrong in it as it gave away no technical information tactically useful to terrorists.

The first day's session ended with my team confident that we had at least shaken the Wise Men in their expectations.

I started off the second day of the hearing myself. I spoke for three hours straight before I got to "The Eavesdroppers"—my childhood in America, my university drama club activities, my early work at *Time Out*, my investigations of the CIA. They sat passively. When I came to "The Eavesdroppers," they perked up and began asking me the same questions they had asked Campbell—detailed questions about the sources for particu-

lar sentences and paragraphs. I told them that Campbell had done much of the research and writing, but that so far as I was aware, all the information had come from sources open to any halfway intelligent journalist. I told them I had never seen any secret information; that was the beauty of the article.

In a closing speech to the Wise Men, Denis Muirhead pointed out that they had heard testimony that there was no secret information sought, none printed, and that, for that matter, I had not even written most of it. Muirhead, Jonathan Caplan, another lawyer who had sat through the proceedings, my parents, who also were allowed in, and I were all convinced at the end of the day that we had won a case we hadn't even been informed of.

Official Secrets

It took four weeks for the Home Secretary to announce his decision, but on February 16 he stood up in Parliament and told us, and anybody else who was interested, that his initial order would stand, that both Agee and myself would be expelled. He did not announce the findings of the Wise Men; their advice, he said, was directed personally to him, and he made the final decision.

Two days later, I was woken up by a phone call. It was one of *Time Out*'s reporters, ringing from Brighton, where Duncan Campbell lived. Campbell had been arrested the night before. He and another *Time Out* reporter, Crispin Aubrey, were being held incommunicado at a North London police station. They had apparently gone to meet a man, John Berry, who had contacted *Time Out* with information he felt might be useful to the Agee-Hosenball defense. Neither Aubrey nor Campbell had met the man before. But the police, as a result of some kind of tip-off, or surveillance, had walked in on the interview. They had taken all of Campbell's notes and tape recordings of the interview. The subject of the interview was Government Communications Headquarters, where the man claimed to have

worked seven years earlier. Campbell, Aubrey, and Berry were arrested and being held under the dread Official Secrets Act.

This was a rather momentous development, not just because it involved my chief defense witness. Official Secrets arrests are always sensational news in Britain, either because they involve real spies, or because the press is outraged at one of their own being arrested for doing his job. The last case involving journalists and the Official Secrets Act occurred during the Biafran War, when the *Sunday Telegraph*, a right-wing newspaper, published a secret Foreign Ministry report. The editor of the paper, the reporter concerned, and his source were all arrested and charged with unauthorized receipt and disclosure of official information. The case judge ridiculed the law, saying it was outdated and "should be pensioned off." Subsequent Conservative and Labour governments promised to reform the law. The journalist involved, a member of the family which owned the *Evening Standard*, later became a Conservative Member of Parliament and made official secrets reform one of his pet crusades.

On hearing of Campbell's arrest, I immediately contacted my lawyer and asked him to see what he could do. After 45 hours in solitary, the three were finally allowed to see their lawyers and told they were being charged under Section Two of the Official Secrets Act. Two days after the arrest, they were hauled before a judge, who denied them bail and sent them off to prison.

Within a week, lawyers had managed to appeal the bail ruling, and the three were out on \$10,000 bond each.

In the meantime, the police had visited each of their homes with search warrants and cleaned out anything they regarded as suspicious. In Campbell's case, this included maps of London, a Hemingway novel, and a wastebasket filled with apple cores, as well as several thousand documents, clippings, and photographs from the elaborate files on the British defense and telecom-

munications industries which he had been collecting over the years.

The immediate outcry was furious. The outrage centered on a government statement some months earlier that because of judicial rulings, no more prosecutions would be undertaken under the Official Secrets Act against those who allegedly received, in unauthorized circumstances, official information. The ABC arrests, as they became known, seemed to directly contradict government policy. My initial reaction to the arrests was that the Security Service, which was obviously behind the affair, had finally gone over the top. The simple fact that they had charged Aubrey—a community affairs reporter with little previous experience or interest in reporting on intelligence matters—indicated to me that someone had lost his sense of proportion.

But such was the reverence in government circles for the secret agency and its tradition of secrecy that no moves were made to abort the proceedings. In late May, shortly before I finally left Britain, the charges against Aubrey, Berry, and Campbell were bumped up, from Section Two of the Official Secrets Act (penalty: 2 years in prison for violation), to Section One (penalty: 14 years). Campbell was now accused of "obtaining . . . for purposes prejudicial to the interest of the State . . . information which might be of use to an enemy." This was a law normally reserved for foreign spies. But because of the language, the state did not have to prove that any information was obtained for that express purpose. Some of the evidence in the case, I am told, has been classified so highly the defendants' lawyers are not allowed to see it. Other evidence includes grave statements from "Colonel X" and "Colonel Y" about the crucial nature of the information a man who had been out of the Army for seven years could have passed to two journalists. Police have even visited the employer of a man who posted bail for Campbell and another man to whom Campbell once sent a Christmas card. Because of Britain's strong legal

restrictions on pre-trial publicity, there is, of course, no substantial public debate on the issues involved in the case. Meanwhile, Campbell and Aubrey are working normally and reporting daily to the police as a condition of their bail.

After the Home Secretary announced that his decision to expel me would stand—in spite of a secret recommendation from his three Wise Men which we were convinced was favorable—my defense team and I decided we would challenge the matter in the courts. Under the existing statutes, we had no case at all. But there was an ancient concept of “natural justice,” established in centuries of case law, which we felt had been violated in my case because I had not been told the substance of the evidence against me. It took only two minutes for the Queens Bench divisional court, under the chairmanship of the Lord Chief Justice of England, to decide that there was some merit in our argument and agree to hear the case.

When the case came to a hearing, however, we were not so lucky. It took two days this time, but the court, after hearing the arguments, decided that, in matters of national security, it had no authority to overrule the executive. We moved to the Court of Appeal, where the chief judge, Lord Denning, had a reputation for unconventional decisions in cases involving “the little man.” Denning, now nearing 80, had earlier left the British Supreme Court, the House of Lords legal committee, because he thought the work was too boring. For the first day of our hearing there, he seemed to agree with my lawyers, laughing and joking like an eccentric old schoolmaster, but when judgement came, his eyes turned red and he belched fire. Not only could the courts not intervene in matters of National Security, Denning said, but Britain was a country in which national security had never been used to justify or cover-up governmental abuses.

The next step was the House of Lords, which refused to hear the case. We then sent a petition off to the European Commission of

Human Rights in Strasbourg, an international body whose decisions can still override the courts and governments of nations who agree to its principles. The commission decided that foreigners have no rights at all when it comes to their residence in a country other than their own, and that governments can deport at will, without due process. The case was clearly hopeless, and I made plans to leave Britain.

Having finally gotten rid of me—and Philip Agee a few days later—the British Intelligence Service have still to answer a crucial question: what did they gain from the whole affair? I can certainly point to several objectives they did not attain in expelling Agee and myself. For a start, if MI-5 and MI-6 really wanted to clamp down on articles about intelligence operations, the expulsions achieved the opposite end. A host of sympathizers, hangers-on, sincere investigators, and downright imitators climbed on the bandwagon. Articles similar to those printed during my days at *Time Out* began to flow from such respectable organs as *The Manchester Guardian*, where before the intelligence beat had been coyly ignored. If the rationale was to put the clamp on news about Government Communications Headquarters, the effect of the expulsion was again the reverse; “The Eavesdroppers” has now been widely reprinted.

If the intelligence services believed that either myself or Agee had stored up damaging information about them which we were planning to use to some devastating effect in the future, they couldn't have picked a more ludicrous means of shutting us up. They obviously have less control over us now that we have left Britain than they would had we been allowed to remain. This was pointed out to the Home Secretary in several Parliamentary debates, but he refused to acknowledge the paradox.

There is, of course, the widely held belief that the CIA was behind the whole affair. The possibility of CIA involvement does seem to me to be present in Agee's case. As for me, so far as I

Wide World



Former CIA officer Philip Agee: Man without a country.

can gather, the CIA had hardly heard of me when the expulsion was announced. They had to ring up a relative in Washington to check on whether I was who they thought I was. So with all these possibilities eliminated, what was the point of my expulsion—and Campbell's subsequent arrest, which I think was related? I think it was simply to throw a curve at a group of investigative journalists who were that much bolder and less controllable than the rest of the convention-bound British press.

The week before I left I married my British girlfriend of the previous 18 months. There was a Parliamentary debate, in which I was warmly eulogized by various personal friends, and in which the Home Secretary admitted that there was no evidence against either myself or Agee to justify criminal charges. Three days before I left, I had dinner with a Parliamentary friend in the House of Commons dining room. The Home Secretary sat four tables

away and looked decidedly uncomfortable.

A few weeks later, a Member of Parliament friend of mine had dinner with a friend of his. The friend was no ordinary “old boy,” however—he was a top official of one branch of the British Intelligence Service. The conversation turned to intelligence and the spy laughed about the marchers who had come round to Century House, reputed to be the headquarters of the overseas intelligence services. They may have thought they got the right building, he said, but of course the top boys don't really work there. All those demonstrators are a bunch of Commies, anyway. Then the subject got around to Hosenball. I know Hosenball, the Member of Parliament said, and I can't imagine he really did anything to harm British security.

“Ah yes,” said the intelligence man, and a mournful look came into his eyes. “But when the machine gets rolling, innocent people sometimes get hurt.” ■

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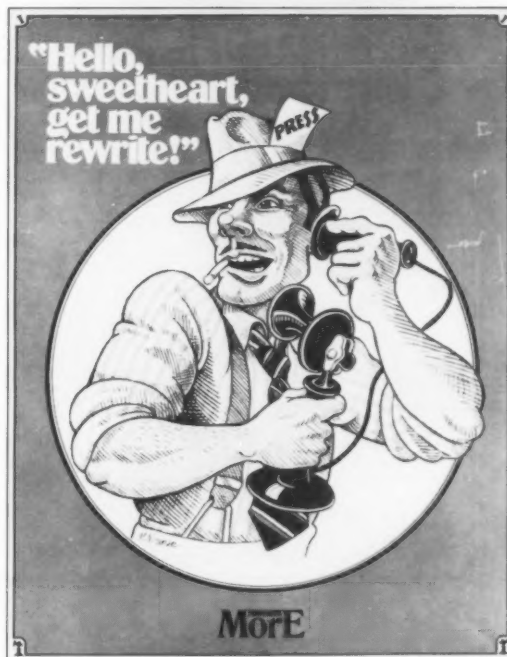
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EXNERAgent Charges Cover-Up
Of Kennedy-Mob Expose

Publishers retreat from hot property.

BY SCOTT MEREDITH

I'm struggling hard to avoid becoming paranoid on the subject of *My Story* by our client Judith Katherine Exner, so I'll say right up front that I don't believe there's a deliberate conspiracy to suppress the book—that I don't believe the Kennedy family, or the Giancana family, has been urging or threatening publishers and the press to stay away from the book. But the literary agency of which I am president has been in business for more than 31 years, in the course of which we've sold substantially over 100,000 manuscripts. And I've got to admit that a series of events has occurred in connection with the Exner book that is absolutely unique in my long experience. For instance:

1. G. P. Putnam's Sons offered an advance of \$100,000 for the manuscript one evening, and then, the next morning, abruptly withdrew the offer. The reason given was that it had offered too much because it had been led to believe that there was greater competition for the book than in fact existed. But we've sold several hundred manuscripts to Putnam's over the years, and the question of the amount of competition for a manuscript is a stock, and usually friendly, argument in our industry between publishers who want to pay less and agents who want to get more. And Putnam's had never before,



Judith Exner: Too hot to handle?

or indeed since, made an offer and then withdrawn it.

Dell Publishing Company offered nearly \$200,000 in advance for the manuscript, then abruptly set strange and unprecedented conditions which amounted to a withdrawal of its offer—for example, that our agency put several million dollars into an escrow fund for defense against possible lawsuits. Dell's president, Helen Meyer, later said absent-mindedly that it had not been interested in the Exner book because it was "too sordid," forgetting that negotiations had gone on for weeks and involved not only herself, but also the firm's house counsel and a whole squad of Dell's senior editors. (There's also an interesting question raised: how sordid is too sordid? In recent years, Dell has published Elizabeth Ray's *The Washington Fringe Benefit*, Xaviera Hollander's *The Happy Hooker*, *Last Tango in Paris*, *The Sensuous Woman*, *The Sensuous Man*, and

Deep Throat.)

A third company, Manor Books, actually signed a contract for the book after the manuscript had been studied by a distinguished law firm, Rembar, Wolf, and Curtis, which pronounced it, with some excisions, okay to publish. Then Manor refused to proceed with the book on the grounds that it was libelous. These are just three of the *Alice in Wonderland* experiences we had in offering the book.

2. We subsequently sold the book to Grove Press, which published *My Story* in June. But Grove's advertising agency, Sussman and Sugar, refused to write ads for the book saying it was fearful of becoming "involved in litigation." Sussman and Sugar, in fact, went further than that: it added piously that, since Grove would have to go to another advertising agency, and no agency would be likely to take on a single book, Sussman and Sugar was canceling its entire relationship with Grove so that Grove would be free to take all its books to another agency. (Diener Hauser Greenthal subsequently agreed to handle the book's advertising.)

This event pretty much speaks for itself, so I'll add just two facts. The first is that I've talked to Grove's attorneys, who tell me that the possibility of an advertising agency being sued for copy it writes on a book is so far-fetched as to be absolutely ludicrous. The second is that Sussman and Sugar is not, as you might have supposed from the foregoing, newly associated with Grove Press. It has been Grove's advertising agency for more than 20 years, in the course of which it wrote copy for *Lady Chatterley's Lover*, *Tropic of Cancer*, and many other books published in a less enlightened period in which several publishers went to jail for bringing out alleged pornography.

3. *The New York Times* assigned *My Story* to one of its daily reviewers, John Leonard, formerly editor of the *Sunday Times* "Book Review Section." Leonard's review was killed, reportedly by the paper's executive editor, A. M. Rosenthal, on the grounds that the book was without literary merit and because the

facts in the book had already been covered in newspaper stories. By literary merit, Rosenthal presumably means books (all of which received review space in the *Times*) such as *The Exploitation of Sex by Soviet Intelligence*, which the *Times* reviewer characterized as a "gamy collage" and a "skimpy little book" whose "apparent purpose is to warn patriots not to look for Reds under the bed but in it"; *Twins*, which the *Times* reviewer envisioned as having been written because its authors thought one day, "Hey, what about homosexual incest, I don't think that's been done." "Wow, terrific, it's got everything." "Fishbait: *The Memoirs of the Congressional Doorkeeper*, described by the *Times* reviewer as offering portraits of "Congressmen throwing down booze in secret Capitol Hill hideaways and toasting each other with scatological songs."

As for prior revelation of the book's contents in the press, the simple fact is that this just isn't true. The only prior publication of the contents of the book in this country has been in the form of eight, extremely brief excerpts in the *National Enquirer*. And, as for discussions of the book's contents in press stories, these were based entirely on the very general outline of the book prepared by our office as a part of our sales package. There are numerous additional and important facts in the book itself.

4. Nearly 50,000 copies of *My Story* have been sold, and another 10,000 are being printed to fill back orders and re-orders from bookstores. Any book that sells 50,000 copies gets on the best-seller lists; yet the book has appeared on only one best-seller list for one week.

I don't believe there is a planned campaign to suppress Judith Exner's book. I do believe, however, that there is so strong a mixture of fear of the book's contents and an urge to appear holier-than-thou and disdainful, that a wall of censorship has been built up which is every bit as impenetrable, and every bit as ugly, as that recent book-banning at a Long Island high school. ■

Scott Meredith is head of the Scott Meredith Literary Agency in New York.

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